

Zoning Resolution Amendments Staff Report

DATE: NOVEMBER 22, 2023

TO: DOUGLAS COUNTY PLANNING COMMISSION

FROM: MARCCO HIGHAM, PLANNER *MH*
LAUREN PULVER, PLANNING SUPERVISOR *LP*
MICHAEL CAIRY, ZONING COMPLIANCE MANAGER *mc*
KATI CARTER, AICP, ASSISTANT DIRECTOR OF PLANNING RESOURCES *KC*
STEVEN E. KOSTER, AICP, ASSISTANT DIRECTOR OF PLANNING SERVICES *SK*

SUBJECT: PROPOSED AMENDMENTS TO DOUGLAS COUNTY ZONING RESOLUTION CLASS 1 HOME OCCUPATION STANDARDS

PROJECT FILE: DR2023-002

PLANNING COMMISSION HEARING:	DECEMBER 4, 2023 @ 6:00 PM
BOARD OF COUNTY COMMISSIONERS HEARING:	DECEMBER 12, 2023 @ 2:30 PM

I. EXECUTIVE SUMMARY

The request is for approval of proposed changes to Douglas County Zoning Resolution (DCZR) Section 23, Home Occupation.

The intent of the proposed amendments is to allow limited use of an accessory structure for conducting a Class 1 Home Occupation in any residential zone district where they are permitted.

II. REQUEST

A. Request

Approval of amendments to DCZR Section 23.

B. Process

Zoning Resolution amendments are processed pursuant to Section 109 of the DCZR. Per Section 109.04, "The Planning Commission shall evaluate the proposed amendment, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with modifications, table for further study, or deny the proposed amendment."

C. Project Description

The proposed amendments to DCZR Section 23 would allow for a Class 1 Home Occupation business to operate in an accessory structure in any residential zone district where they are permitted. The scale of the use would be limited to the following:

- On lots less than 1 acre in size, up to 500 square feet of a detached accessory structure could be used for the Class 1 Home Occupation.
- For lots 1 acre or greater in size, up to 1000 square feet of a detached accessory structure could be used for Class 1 Home Occupation.

The proposed gradation of square footage allowed is aligned with the gradation used to regulate the sizes of detached garages.

Currently, the DCZR does not allow Class 1 Home Occupations to operate in accessory structures. A homeowner must apply for a Class 2 Home Occupation permit to operate a business in an accessory structure within the Agricultural One, Large Rural Residential, and Rural Residential zone districts.

III. PUBLIC INPUT

Staff sent the proposed zoning amendment to Class 1 Home Occupation to the County-wide contact and referral agency list. A public workshop was held on August 29, 2023. Two members of the public attended; however, their stated interest and concerns were related to general zoning questions, not the proposed zoning amendment.

Burning Tree HOA is opposed to this use in detached accessory structures as it considers the change to undermine the distinctions between Class 1 and Class 2 Home Occupations. Burning Tree HOA also raised concerns regarding enforcement.

Deerfield Homeowners and Property Owners Inc. (DHPO) identified concerns related to commercial use in residential zone districts and impact to the local community. DHPO proposed additional regulatory language to limit expansion of roadways and parking areas, ensure provision of water and sanitation services, more stringent inspection and enforcement requirements for both classes of home occupations, and to address covenants.

Happy Canyon HOA opposes the amendment and asked questions regarding the need for the proposed zoning amendment and how the zoning will be enforced. Happy Canyon HOA comments also raised concerns over the incompatibility of this use with residential zone districts and rural character.

Highlands Ranch Community Association indicated that it does not object to the proposed zoning amendment but noted that it may conflict with the requirements of the Highlands

Ranch Development Guide. The specifics of the development guide would take precedence over what is allowed by this proposal.

Meridian DCC, Meridian Village Metro District, and the other Meridian Metro Districts stated that accessory structures should be limited to placement in the side or rear yards. This is a design issue that is best left to the entities responsible for implementing private design standards and covenants that are specific to a community. Accessory structures in “front” yards may be appropriate in some communities, particularly on large parcels in rural areas.

Douglas County Building Services commented that they have no objection to this change and stated that the stored amounts of toxic or flammable materials should be within the exempt amounts identified in the Douglas County Fire Code. The proposed regulation indicates that there shall be only incidental and minimal use or storage of toxic or flammable materials.

All other responses received were no comment.

Following review of the referral comments at the post-referral work session on October 23, 2023, the Board of County Commissioners (Board) directed staff to include language that clarifies that the proposed regulation does not override applicable HOA covenants. This was in response to comments from several referral agencies emphasizing local control through HOA covenants and design restrictions.

IV. PUBLIC NOTICE

Notice of the hearing before the Planning Commission and the Board was published in the Douglas County News Press on November 16, 2023.

V. STAFF ASSESSMENT

After evaluating the proposed amendments, referral comments, staff report, and public testimony, the Planning Commission may consider recommending approval of the amendment.

ATTACHMENTS	PAGE
Referral Response Report	4
Referral Comments	8
Citizen Comments	23
DCZR Sections 23 (red-lined)	36

Referral Agency Response Report**Page 1 of 4****Project Name:** Zoning Resolution Amendment - Class 1 Home Occupations**Project File #:** DR2023-002**Date Sent:** 08/11/2023**Date Due:** 09/08/2023

Agency	Date Received	Agency Response	Response Resolution
Burning Tree Ranch HOA	09/08/2023	Refer to letter – The HOA has concerns and questions related to Class 1 and Class 2 distinctions, increased impacts related to allowing Class 1 in detached accessory structures, and how those regulations will be enforced without permitting requirements.	Forwarded to the BOCC for review.
Centennial Water and Sanitation District	09/06/2023	No Comment (verbatim).	No response required.
Cherry Creek Basin Water Quality Authority	09/06/2023	Received: The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2023-002, Zoning Resolution Amendment - Class 1 Home Occupations have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority's current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to Douglas County's review and ultimate determination that the proposed development plans comply with Regulation 72. If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwwqa.org. The review may include consultation with the Authority's Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted. (Verbatim).	Acknowledged – No response required.
City of Centennial	08/23/2023	Refer to letter – No concerns.	No response required.
City of Littleton	08/29/2023	No Comment (verbatim).	No response required.
City of Lone Tree	09/07/2023	No Comment (verbatim).	No response required.
Colorado Division of Water Resources	08/31/2023	Refer to letter – no objection contingent upon CWDR's applicable regulations.	Acknowledged – no response required.
Colorado Geological Survey	08/31/2023	No Comment (verbatim).	No response required.
Colorado Parks and Wildlife	08/22/2023	Refer to letter – No concerns.	No response required.
Colorado State Forest Service	08/31/2023	No Comment (verbatim).	No response required.
CORE Electric Cooperative	08/25/2023	No Comment (verbatim).	No response required.

Referral Agency Response Report**Page 2 of 4****Project Name:** Zoning Resolution Amendment - Class 1 Home Occupations**Project File #:** DR2023-002**Date Sent:** 08/11/2023**Date Due:** 09/08/2023

Agency	Date Received	Agency Response	Response Resolution
Deerfield HOA	09/11/2023	Refer to letter – See attached. Raised concerns related to commercial uses in residential areas and impacts to the environment, traffic, and overall nature of the area. Proposed additional standards and requirements to be included in the amendment.	Forwarded to the BOCC for review.
Douglas County Addressing Analyst	08/17/2023	No Comment (verbatim).	No response required.
Douglas County Assessor	08/23/2023	No Comment (verbatim).	No response required.
Douglas County Building Services	09/06/2023	Building Division would have no objection to this change. However the stored amounts of toxic or flammable materials should be within the exempt amounts identified in the Fire Code. (Verbatim).	Acknowledged – No response required.
Douglas County Department of Public Works	08/22/2023	Refer to letter – No comment.	No response required.
Douglas County Engineering Services	08/30/2023	No Comment (verbatim).	No response required.
Douglas County Historic Preservation	08/31/2023	Refer to letter – No comments.	No response required.
Douglas County Open Space and Natural Resources	08/18/2023	No Comment (verbatim).	No response required.
Douglas County Parks and Trails	08/18/2023	No Comment (verbatim).	No response required.
Douglas County Sheriff's Office	08/17/2023	No Comment (verbatim).	No response required.
Happy Canyon HOA	08/13/2023	Refer to letter – See attached. Provided questions and comments regarding demonstrated need for the proposed zoning amendment, enforcement concerns, incompatibility of this use with existing uses, and impacts to property values.	Forwarded to the BOCC for review.

Referral Agency Response Report**Page 3 of 4****Project Name:** Zoning Resolution Amendment - Class 1 Home Occupations**Project File #:** DR2023-002**Date Sent:** 08/11/2023**Date Due:** 09/08/2023

Agency	Date Received	Agency Response	Response Resolution
Highlands Ranch Community Association	08/25/2023	The Highlands Ranch Community Association (HRCA) appreciates the opportunity to review and opine on this Application. Although the HRCA generally takes no exceptions to the proposed amendment to Class 1 Home Occupation regulations, this use category is more specifically defined in our Planned Development Guide (HRPDG, p. 17) and discussed in §XIV: Accessory Uses of the HRPDG (p. 104), which notes: "...Such use shall be conducted entirely within the principal dwelling." It is important to note that the HRPDG appears to be less restrictive regarding the area that can be used for Home Occupations noting "The total area used for such purposes shall not exceed one-half the gross floor area of the first floor of the dwelling unit" (HRPDG, §XIV, ¶C.3.c at p. 104). The Highlands Ranch Architectural Review Committee may consider an application from a resident to construct an Accessory Building to house the home occupation as a variance to the HRPDG; however, such structure would be limited by the design restrictions detailed within the Residential Improvement Guidelines (RIG's, ¶2.2 at p. 5). (Verbatim).	The specifics of the development guide noted by HRCA would take precedence over what is allowed by this proposal.
Highlands Ranch Metro District	09/06/2023	No Comment (verbatim).	No response required.
Meridian Design Control Committee, Meridian Metro Districts, and Meridian Village Metro Districts	09/07/2023	Accessory structure should be limited to placement in the side or rear yards. No additional comments. (Verbatim).	Design questions like where accessory structures are located are generally left to the entities responsible for implementing private design standards and covenants.
South Metro Fire Rescue	08/17/2023	South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed Douglas County Zoning Resolution Amendment. (Verbatim).	No response required.
South Platte Renew	09/05/2023	No Comment (verbatim).	No response required.
Town of Castle Rock Development Services Department	08/30/2023	See letter - no concerns from Town Departments.	No response required.
Town of Parker Public Works	08/18/2023	No Comment (verbatim).	No response required.

Referral Agency Response Report**Page 4 of 4****Project Name:** Zoning Resolution Amendment - Class 1 Home Occupations**Project File #:** DR2023-002**Date Sent:** 08/11/2023**Date Due:** 09/08/2023

Agency	Date Received	Agency Response	Response Resolution
West Douglas County FD	09/07/2023	No Comment (verbatim).	No response required.
West Metro Fire Protection District	08/21/2023	No Comment (verbatim).	No response required.
Xcel Energy-Right of Way & Permits	08/15/2023	Refer to letter – No conflicts.	No response required.



Burning Tree Ranch Homeowners Association

P.O. Box 312

Franktown, CO 80116

btrboard@gmail.com

9/8/2023

Referral Comments for DR2023-002

In regard to the proposed amendment change to Section 23 – Home Occupations, Class 1, Burning Tree Ranch HOA has serious concerns with the changes and additions to the Class 1 criteria for home occupations.

The original amendment states in summary:

Class 1 – Defined as basically any home occupation approved by the County that is confined / conducted entirely within a residential building which use is accessory, incidental, or secondary to the use of the dwelling to which there is no change to the character or appearance of the dwelling or surrounding neighbors or neighborhood. **Out of sight – Out of mind. No Permit necessary.**

Class 2 – Defined as any home occupation approved by the county that is located entirely within a residential building or a building which is accessory and unlimited in size, incidental and secondary to the use for dwelling purposes and does not change its residential character. **Permit required by the County.**

The difference between the two is one is strictly within the residence and the other has the option of expanding into a bigger accessory building. The rest of the requirements are the same. Class 1 can get away with no permit as most people in the neighborhood don't know it's even there. Out of Sight – Out of Mind.

Once you allow the Class 1 business to move out of the residence it becomes no different than a class 2 business – They are both class 2 now. To say that the class 1 is restricted to 500 sq ft for up to an acre and a 1000 sq ft for anything over is laughable. How do you propose to enforce that? And how are you going to distinguish between the Class 1 and 2's now and who has to have a permit?

Everyone is going to claim Class 1 status to avoid the permit, which includes notification to the HOA and the neighbors. There is no way to know which is which.

This amendment does not provide for adequate execution or enforcement.

Just because 1 person wants it doesn't mean an entire zoning resolution has to be changed to accommodate them, it has to benefit or safeguard the majority or rest of the community. The County has been making it a habit of siding with and favoring the special interests of a very few instead of looking at the bigger picture and how it will affect the majority in the long run.

Residents/neighborhoods have to live with your decisions knowing full well you don't have to enforce them, it's up to the affected to figure out how to deal with it.

It will end up with the HOA's and residents having to live with and ultimately monitor these businesses for compliance to protect their neighborhood. This is not something that the HOA's or residents care to do or take on. There is no way the County can enforce this amendment.

We are strongly opposed to this amendment change.

Sincerely,

Burning Tree Ranch HOA

From: [Centennial Planning](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County eReferral DR2023-002 Is Ready For Review
Date: Wednesday, August 23, 2023 9:41:43 AM

Hello Marcco,

The City of Centennial appreciates the opportunity to review and give feedback, and we have no comments to provide.

Thank you,

Joe Peoria
Planner I | City of Centennial
13133 E. Arapahoe Rd. Centennial, CO 80112
Main: (303) 325-8000 | Direct: (303) 754-3457
jpeoria@centennialco.gov
centennialco.gov

-----Original Message-----

From: Marcco Higham
Sent: Thursday, August 17, 2023 2:30 PM
To: Centennial Planning <centennialplanning@centennialco.gov>
Subject: Douglas County eReferral DR2023-002 Is Ready For Review

RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) Section 23 and forward any comments to me by September 8, 2023. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at www.douglas.co.us/PRO and entering the project file number DR2023-002 in the search tool.

Synopsis of Regulation Change:

Douglas County is considering changes to the Zoning Resolution to allow Class 1 Home Occupation businesses to operate in detached accessory structures. The proposed regulation allows Class 1 Home Occupation businesses to operate in a detached accessory structure but not at the level of a Class 2 Home Occupation. Restrictions are proposed to limit total area of the use in detached accessory structures and to maintain residential character.

Amendment Process

Douglas County Staff will conduct a public workshop regarding this proposal on Tuesday, August 29, 2023, at 4:00 p.m. at the Board of County Commissioners Conference Rooms A&B located at 100 Third St. Castle Rock, CO 80104. Once comments from this referral process have been received, a work session will be scheduled with the Board of County Commissioners to review the comments.

Final consideration of the proposed regulations will occur at a public hearing with the Board, following a Planning Commission recommendation. Future hearings dates may be obtained by calling 303-660-7460 or by accessing the project information at www.douglas.co.us/PRO. Please feel free to reach out to me with any questions you may have.

Planning Services
100 Third Street



August 31, 2023

Marcco Higham, Planner
Douglas County Department of Community Development
Transmitted via email: mhigham@douglas.co.us

Re: Douglas County Zoning Resolution Amendment
File No. DR2023-002
All of Douglas County
Water Division 1, Water Districts 2 and 8

Dear Marcco Higham:

We have received your August 10, 2023 submittal concerning the proposed zoning amendment to Class 1 Home Occupations in Section 23 of the Douglas County Zoning Regulations. The proposed regulation would allow Class 1 Home Occupation businesses to operate in a detached accessory structure but not at the level of a Class 2 Home Occupation.

This referral does not appear to qualify as a “subdivision” as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

Currently, Class 1 Home Occupation businesses may only be conducted in the primary dwelling and not in detached accessory structures. Home occupations may be conducted in detached accessory structures with a permit for Class 2 Home Occupation. The County defines home occupation as “a business use conducted on the site, which is clearly incidental and secondary to the use of the land for residential or agricultural purposes; that does not change the character of the dwelling, lot, or neighborhood; and that allows the resident to work at home.”

The proposal would allow limited use of an accessory structure with a Class 1 Home Occupation in any zone district they are permitted. On lots less than 1 acre in size, up to 500 square feet of a detached accessory structure could be used for the Class 1 Home Occupation. On lots of 1 or more acres, up to 1,000 square feet of a detached accessory structure could be used for the Class 1 Home Occupation.

If the site is served by a well, use of the well must be in compliance with applicable statutes, policies, and the well’s permitted conditions. Two policies relevant to this evaluation are *Guideline 2016-1 Concerning Water Supplies for Auxiliary Living Spaces* and *Policy 2011-3 Concerning Commercial Activities on Property Served by Residential Exempt and Small Capacity Wells*



(Amended), attached. A full list of DWR's well permitting policies is available online at dwr.colorado.gov/services/well-permitting. Whether a well can be used in a detached accessory structure for a home occupation will be evaluated by our office on a case-by-case basis.

If an applicant or well owner has a question regarding whether a well can be used in a detached accessory structure and/or for a home occupation, they should contact DWR's Groundwater Information at (303) 866-3587 or at dwr.state.co.us/Portal/dwr/AskDWR.

Please contact Wenli Dickinson at 303-866-3581 x8206 or at Wenli.Dickinson@state.co.us with any questions.

Sincerely,



Ioana Comaniciu, P.E.

Water Resources Engineer

Attachments: *Guideline 2016-1 Concerning Water Supplies for Auxiliary Living Spaces*
Policy 2011-3 Concerning Commercial Activities on Property Served by Residential Exempt and Small Capacity Wells (Amended)

Ec: Referral no. 30905

From: [Olson - DNR, Justin](#)
To: [Marcco Higham](#)
Subject: Re: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations
Date: Tuesday, August 22, 2023 11:07:14 AM

Mr. Higham,

Thank you for including Colorado Parks and Wildlife in the referral request process for the proposed updates to the Douglas County Zoning Resolution under Project Number DR2023-002. I have reviewed the documents and referral request, and I wanted to inform you that CPW has no concerns with this project as it pertains to any wildlife issues. If you have any further questions or need more information, do not hesitate to let me know. Thank you for your time.

Justin Olson
District Wildlife Manager
Littleton District - Area 5



P 303.291.7131 | F 303.291.7114
6060 Broadway, Denver, CO 80216
justin.olson@state.co.us | cpw.state.co.us



On Thu, Aug 10, 2023 at 12:11 PM Marcco Higham <mhigham@douglas.co.us> wrote:

To Whom It May Concern:

Date: August 10, 2023

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – Proposed Zoning Amendment to Class 1 Home Occupations

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) Section 23 and forward any comments to me by September 8, 2023. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website

From: [Tom Bowles](#)
To: [Marcco Higham](#)
Cc: [David Weber](#); laurenfulton6@gmail.com; [Ginney Regan](#); [Kathryn Bondesen](#); [Larry Falter](#); [Lash Russell](#)
Subject: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations
Date: Monday, September 11, 2023 7:33:22 AM
Attachments: [Agenda Item - Proposed Zoning Amendment to Class 1 Home Occupations DHPO Comments.pdf](#)

Mr. Marcco Higham
Planner

RE: Deerfield Homeowners and Property Owners, Inc. (DHPO)
Response to DC Zoning Resolution Amendment
Class 1 & Class 2 Home Occupations

Mr. Higham,

Please see the attached comments to your Agenda Item on Proposed Zoning Amendment to Class 1 Home Occupation denoted in BLUE highlighted text for Section 23 – HOME OCCUPATION, DCZR Section 23 (Work Session Draft) document provide by the DC Planning Dept.

The residents of Deerfield Subdivision and DHPO organization Board of Directors deem any proposed commercial use of properties within the confines of our planned development community as a breach of Douglas County’s Master Development Plan for the Franktown CO vicinity.

Our residential area is impacted by the proposal of commercia enterprise permit used within both Deerfield Subdivision, as well as the impacts by vicinity areas to the environment, traffic, and overall nature of this Black Forest area.

We appreciate the opportunity to review and respond to any and all DC Zoning issues within our community.

Regards,
On Behalf of the Deerfield Residents and DHPO Board of Directors

Tom Bowles
DHPO – President

Attachment: - DHPO Comments – Agenda Item “Proposed Zoning Amendment to Class 1 Home Occupations”

From: Marcco Higham <mhigham@douglas.co.us>
Subject: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations
Date: August 10, 2023 at 9:53:09 AM AKDT
To: "rregan303@gmail.com" <rregan303@gmail.com>

2306.07 An appeal of the Director's decision regarding a home occupation permit may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

2307 Class 2 Home Occupation – Permit Renewal

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

2308 Class 2 Home Occupation – Permit Transferability

A Class 2 home occupation permit is valid only 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/business. The new landowner/lessee shall apply for a new permit.

2309 Class 2 Home Occupation – Permit Revocation

If, upon review, the conditions or restrictions imposed by this Section 23 or by the permit have not been complied with, the Director may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the Class 2 home occupation permit. The revocation of the permit may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

2310 Class 2 Home Occupation – Use By Special Review in A-1, LRR, and RR Districts

A landowner may apply for a use by special review in accordance with Section 21 of this Resolution when the Class 2 Home Occupation would exceed the criteria for the maximum area of the use in 2305.01, exceed the criteria for the maximum number of nonresident employees in 2305.02, or any combination thereof. *(Amended 8/23/22)*

COMMENTS & RESPONSE TO PROPOSED ZONING RESOLUTION Section 23 - HOME OCCUPATION
Deefield Homeowners and Property Owners, Inc. (DHPO), Franktown CO

- 2303.09 ADD No expansion of existing roadway, parking areas nor vehicle parking or storage shall be allowed.
- 2302.10 ADD Inclusive of documented approved use for existing single family dwelling domestic uses only:
a) CO Division of Water Resources - Water Well Permit & Usage
b) Douglas County Health Dept. - Onsite Water Treatment System Permit & Usage
- 2304 ADD The permission granted or implied by a Class 2 Home Occupation Permit shall not be construed as any applicable covenants "or development by-laws", conditions, restrictions, architectural standards, or other private agreements and obligations. *(Amended 8/23/22)*
- 2311 ADD Compliance Provisions - Class 1 and Class 2 Home Occupation
Douglas County Zoning Compliance Dept. shall conduct onsite inspection and compliance verification on a bi-annual calendar basis for all issued Class 1 and Class 2 permits issued. Any violations identified shall immediately suspend occupation useage or revoke permit(s) if not corrected within 10 business days of date of inspection.
Any notification by adjoining property owners of permit violations shall be investigated by Compliance Dept. within 5 business days.

From: [Gary Walter](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County eReferral DR2023-002 Is Ready For Review
Date: Tuesday, August 22, 2023 1:48:39 PM

Thanks...
No Comment.

Gary Walter
Sr. Engineer/Project Manager
FAA Remote Pilot, Cert. # 4023763
Douglas County Department of Public Works Operations
303-660-7480 | 303-663-6232
P.O. Box 1390 | 3030 N. Industrial Way
Castle Rock, CO 80104

-----Original Message-----

From: Marcco Higham
Sent: Thursday, August 17, 2023 2:30 PM
To: Gary Walter <GWalter@douglas.co.us>
Subject: Douglas County eReferral DR2023-002 Is Ready For Review

RE: Douglas County Zoning Resolution Amendment – Proposed Zoning Amendment to Class 1 Home Occupations

Request for Review:

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Amendment Process

Douglas County Staff will conduct a public workshop regarding this proposal on Tuesday, August 29, 2023, at 4:00 p.m. at the Board of County Commissioners Conference Rooms A&B located at 100 Third St. Castle Rock, CO 80104. Once comments from this referral process have been received, a work session will be scheduled with the Board of County Commissioners to review the comments.

Final consideration of the proposed regulations will occur at a public hearing with the Board, following a Planning Commission recommendation. Future hearings dates may be obtained by calling 303-660-7460 or by accessing the project information at www.douglas.co.us/PRO. Please feel free to reach out to me with any questions you may have.

Planning Services
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)

From: [Brittany Cassell](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations
Date: Monday, August 14, 2023 11:07:34 AM

Hi Marcco,

The Historic Preservation Board has no comment for this resolution amendment.

Thank you,
Brittany

From: Marcco Higham <mhigham@douglas.co.us>
Sent: Thursday, August 10, 2023 11:57 AM
To: Brittany Cassell <bcassell@douglas.co.us>
Subject: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

To Whom It May Concern:

Date: August 10, 2023

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – Proposed Zoning Amendment to Class 1 Home Occupations

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HAPPY CANYON HOMEOWNERS' ASSOCIATION
558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108
www.happycanyon.org
happycanyonhoa@gmail.com

September 5, 2023

Marcco Higham, Planner
Douglas County Community Development
100 Third Street
Castle Rock, CO 80104

Re: Douglas County Zoning Resolution Amendment – Proposed Zoning Amendment to Class 1 Home Occupations

Hello Marcco,

Thank you for sending the request for referral comment for the above-referenced matter. On behalf of the Happy Canyon Homeowners' Association (HCHOA), our board members have the following comments/questions:

1. What is the demonstrated need for this amendment and where is it coming from?
2. If violations of this amendment occur, how will Douglas County staff be able to enforce the regulations when they can't keep up with current zoning violations?
3. Douglas County seems unusually focused on whittling away at its many long-established rural communities' quiet residential lifestyle instead showing an interest in protecting and preserving it. In the name of "property rights," Douglas County is transforming our communities into odd, inconsistent, and incompatible hybrid residential/mixed use/industrial communities. Can Douglas County provide documentation that demonstrates the need for this?

September 5, 2023

Page Two

4. The only publicly-disclosed reference we are aware of that may explain why this amendment is being considered now is that of a Douglas County resident who contacted one of the Commissioners and requested accommodation for his custom in-home gun-handle grip treatment business that he wants to expand into a separate accessory building.
5. Douglas County's hybrid transformation pattern – i.e., expanded business, short-term rentals, and now this amendment - is undoing decades of sound and reasonable community planning. Instead, Douglas County is trampling on the majority of citizens' property rights, creating confusing and incompatible land uses, fomenting disharmony and conflict between neighbors, and impacting property values. Many communities, including HCHOA, have voiced opposition to this continuing pattern and yet our voices have been ignored. Why?

The HCHOA stands opposed to this amendment and urges the Commissioners to reverse this trend and stand up for Douglas County's rural communities' quality of life rights.

Sincerely,

Rich West, President
Happy Canyon Homeowners' Association

Cc: HCHOA Board Members/Residents

Marcoco Higham
Douglas County Department of Community Development, Planning Resources
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Douglas County Zoning Resolution Amendment – Proposed Zoning Amendment to Class 1 Home Occupations
Project File #: **DR2023-002**
S Metro Review # REFOTH23-00160

Review date: August 17, 2023

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: Douglas County is considering changes to the Zoning Resolution to allow Class 1 Home Occupation businesses to operate in detached accessory structures. The proposed regulation allows Class 1 Home Occupation businesses to operate in a detached accessory structure but not at the level of a Class 2 Home Occupation. Restrictions are proposed to limit total area of the use in detached accessory structures and to maintain residential character.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed Douglas County Zoning Resolution Amendment.



External Referral Comments

TO: Marco Higham, Douglas County Planning

FROM: Pam Hall, Planner I Development Services Department

DATE: August 30, 2023

SUBJECT: COU23-0019, Project No. DR2023-002

Thank you for the opportunity to review and respond to Proposed Zoning Amendment to Class 1 Home Occupations. The application was reviewed by various Town Departments with no concerns from the Town reviewers. Please keep us informed of any changes to the proposal. Thank you.



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

August 15, 2023

Douglas County Department of Community Development
100 Third Street
Castle Rock, CO 80104

Attn: Marcco Higham

**Re: Douglas County Zoning Resolution Amendment – Proposed Zoning
Amendment to Class 1 Home Occupations
Case # DR2023-002**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the **Douglas County Zoning Resolution Amendment – Proposed Zoning Amendment to Class 1 Home Occupations** and has **no apparent conflict**.

Violeta Ciocanu [Chokanu]
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com

From: [Marcco Higham](#)
To: [Elizabeth West](#)
Cc: [Mary Jane Ogle](#); rdalewest@outlook.com; [Jamie Hilton](#); BAWhitlow@aol.com; alexlionakis@gmail.com
Subject: RE: Inclusion of HOA Covenant Language to Class 1 Home Occupations
Date: Wednesday, November 1, 2023 3:47:00 PM

Hi Elizabeth,

The use you are describing is likely more relevant for the short-term rental licensing program. Renting out a lodging unit or an overnight rental would not be a permitted use for home occupation.

In this case, the proposed regulation changes would not impact this specific use.

Best,

Marcco

From: Elizabeth West <westfamily@msn.com>
Sent: Wednesday, November 1, 2023 1:50 PM
To: Marcco Higham <mhigham@douglas.co.us>
Cc: Mary Jane Ogle <mj@agentindenver.com>; rdalewest@outlook.com; Jamie Hilton <jeanchilton@gmail.com>; BAWhitlow@aol.com; alexlionakis@gmail.com; Elizabeth West <westfamily@msn.com>
Subject: RE: Inclusion of HOA Covenant Language to Class 1 Home Occupations

Marcco,

Just to clarify, under this Class 1 Home Occupation use, could someone rent their accessory detached structures for “tiny home” and/or similar residential overnight rentals? If so, what provisions is the County proposing for wells/water, septic, etc.?

Thank you,

Elizabeth West

From: Marcco Higham <mhigham@douglas.co.us>
Sent: Wednesday, November 1, 2023 8:28 AM
To: Elizabeth West <westfamily@msn.com>
Cc: Mary Jane Ogle <mj@agentindenver.com>; rdalewest@outlook.com; Jamie Hilton <jeanchilton@gmail.com>; BAWhitlow@aol.com; alexlionakis@gmail.com
Subject: RE: Inclusion of HOA Covenant Language to Class 1 Home Occupations

Hi Elizabeth,

Thank you for reaching out.

This language relates to the Class 1 Home Occupation use, whether conducted in the primary dwelling or in an accessory detached structure. So to be direct, it does apply to home occupation use in detached structures such as sheds, barns, and garages.

Inclusion of this language is intended to make it clear that the zoning regulations allowing Class 1 Home Occupations do not supersede covenants or other similar restrictions or standards.

Best,

Marcco Higham

From: Elizabeth West <westfamily@msn.com>

Sent: Tuesday, October 31, 2023 3:32 PM

To: Marcco Higham <mhigham@douglas.co.us>

Cc: Elizabeth West <westfamily@msn.com>; Mary Jane Ogle <mj@agentindenver.com>; rdalewest@outlook.com; Jamie Hilton <jeanchilton@gmail.com>; BAWhitlow@aol.com; alexlionakis@gmail.com

Subject: FW: Inclusion of HOA Covenant Language to Class 1 Home Occupations

Hello Marcco,

Can you please clarify if the County is talking about accessory dwelling units (i.e., sheds, garages, etc.) or tiny homes/residential rentals? The language is confusing.

Thank you,

Elizabeth West

Member-at-large

Happy Canyon Homeowners Association

From: Marcco Higham <mhigham@douglas.co.us>

Sent: Tuesday, October 31, 2023 9:23 AM

Subject: Inclusion of HOA Covenant Language to Class 1 Home Occupations

Hello,

Thank you for your referral comments to the proposed zoning amendment to Class 1 Home Occupation. The comments received were forwarded to the Board of County Commissioners for review. After consideration from the Board during a work session on October 23, 2023, the Board directed staff to include the language below to clarify how the proposed amendments will relate to HOA covenants:

“The permission granted or implied by allowing Class 1 Home Occupations shall not be construed as an exemption from any applicable covenants, conditions, restrictions, architectural standards, or

other private agreements and obligations.”

This language will be reflected in the proposed red-lines to Section 23 of the Douglas County Zoning Resolution. Final considerations of the proposed regulations will occur at a public hearing with the BOCC following a recommendation from the Planning Commission.

Best,

Marcco Higham | Planner
Douglas County Department of Community Development
Planning Resources
Address | 100 Third St., Castle Rock, CO 80104
Phone | 303-814-4313 ext. 4313
Email | mhigham@douglas.co.us

From: [Marcco Higham](#)
To: [Elizabeth West](#)
Cc: rdalewest@outlook.com
Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations
Date: Tuesday, August 29, 2023 11:39:00 AM
Attachments: [DR2023-002 Workshop Presentation.pdf](#)

Hi Liz,

Thank you for your message. This proposed zoning amendment would involve regulation changes to Class 1 Home Occupation for Estate Residential zones. I took a look at the zoning map for Happy Canyon and the Rural Residential (RR) and Agricultural One (A-1) zone districts would fall under the Class 2 Home Occupation so these proposed changes would not impact these areas.

All residential and agricultural zone districts that are not Rural Residential, Large Rural Residential, and Agricultural One would be in a Class 1 Home Occupation zone district.

I have the public workshop PowerPoint PDF attached for your review.

Thank you,

Marcco Higham

From: Elizabeth West <westfamily@msn.com>
Sent: Tuesday, August 29, 2023 9:09 AM
To: Marcco Higham <mhigham@douglas.co.us>
Cc: rdalewest@outlook.com; Elizabeth West <westfamily@msn.com>
Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

Hello Marcco,

We will be unavailable today to attend today's workshop; do you have a power point presentation or other that you can forward to us? Which residential zoning categories will this impact? Happy Canyon is estate residential and larger properties.

Thank you,

Liz West
Happy Canyon HOA
Board Member-At-Large

From: Marcco Higham <mhigham@douglas.co.us>
Sent: Monday, August 14, 2023 8:38 AM
To: Elizabeth West <westfamily@msn.com>
Cc: rdalewest@outlook.com

Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

Hello Elizabeth,

I would recommend manually typing the project number: DR2023-002

If you copy and paste from the email, the formatting throws off the search function in Project Records Online.

Here is the direct link to the filing and documents:

<https://apps.douglas.co.us/planning/projects/Default.aspx?PossePresentation=DocumentAndRegulationJob&PosseObjectId=88563704>

Best,

Marcco Higham

From: Elizabeth West <westfamily@msn.com>

Sent: Sunday, August 13, 2023 3:27 PM

To: Marcco Higham <mhigham@douglas.co.us>

Cc: rdalewest@outlook.com; Elizabeth West <westfamily@msn.com>

Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

Hello Marcco,

Would you please check again and send us the correct project file/link for this subject? This project file number **DR2023-002** doesn't work.

Thank you,

Elizabeth West

Happy Canyon HOA Member-at-Large

----- Forwarded message -----

From: **Marcco Higham** <mhigham@douglas.co.us>

Date: Thu, Aug 10, 2023 at 11:54 AM

Subject: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

To: HappyCanyonHOA@gmail.com <HappyCanyonHOA@gmail.com>

To Whom It May Concern:

From: [MSN](#)
To: [Marcco Higham](#)
Subject: Re: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations
Date: Friday, August 11, 2023 4:33:35 PM

Hi Marrco!

Appreciate the quick response! Have a great weekend!

Karen Hickman
Grand View Estates HOA
303-419-7179

Sent from my iPhone

On Aug 11, 2023, at 2:36 PM, Marcco Higham <mhigham@douglas.co.us> wrote:

Hi Karen,

To answer your first question, a detached private garage is considered an accessory structure in residential zone districts. Here are the relevant definitions from the Douglas County Zoning Resolution:

- Accessory Structure: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
- Garage, Private: A building, or portion thereof, including carports, in which only private or pleasure-type motor vehicles used by the owners or resident tenants of the land are stored or kept.

For your second question, you are correct that there is not language addressing HOA covenants in the Class 1 Home Occupation section.

Thank you,

Marcco Higham

From: Karen Hickman <grandviewestatesparker@outlook.com>
Sent: Friday, August 11, 2023 7:30 AM
To: Marcco Higham <mhigham@douglas.co.us>
Subject: Re: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

Marcco,

Before the Grand View Estates HOA responds, is a "garage" considered an "accessory" structure. Please provide a definition.

Also, important.

Doesn't appear that there is any language for Class 1 HO's which indicates that an HOA's covenants rule - like with the Class 2 HO.

Karen Hickman
Grand View Estates HOA
303-419-7179

From: Marcco Higham <mhigham@douglas.co.us>
Sent: Thursday, August 10, 2023 11:56 AM
To: grandviewestatesparker@outlook.com <grandviewestatesparker@outlook.com>
Subject: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

To Whom It May Concern:

Date: August 10, 2023

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – Proposed Zoning Amendment to Class 1 Home Occupations

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) Section 23 and forward any comments to me by September 8, 2023. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at www.douglas.co.us/PRO and entering the project file number **DR2023-002** in the search tool.

Synopsis of Regulation Change:

Douglas County is considering changes to the Zoning Resolution to allow Class 1 Home Occupation businesses to operate in detached accessory structures. The proposed regulation allows Class 1 Home Occupation businesses to operate in a detached accessory structure but not at the level of a Class 2 Home Occupation. Restrictions are proposed to limit total area of the use in detached accessory structures and to maintain residential character.

Amendment Process

From: [Marcco Higham](#)
To: dickr338@myawai.com
Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations
Date: Friday, August 11, 2023 8:50:00 AM

Hi Richard,

If you manually type "DR2023-002" in the search bar the project should come up for you. I believe that if you copy and paste from the email, the formatting throws off the search tool.

Here is the direct link: <https://apps.douglas.co.us/planning/projects/Default.aspx?PossePresentation=DocumentAndRegulationJob&PosseObjectId=88563704>

Class 1 and Class 2 Home Occupancy are distinct in a couple ways. This proposed zoning amendment would only change Class 1 Home Occupation regulations.

Currently if you live in a zone district with Class 1 HO, you cannot operate a home occupancy business in a detached accessory structure such as a detached garage or working shed. You would need to live in a zone district with Class 2 HO to operate that way. Class 2 HO also requires a permit and the scale of home occupancy business uses can be greater than in a Class 1.

Although Class 1 Home Occupancy businesses would not require a permit according to this proposed zoning amendment, they are subject to restrictions in terms of total area that can be used in a detached accessory structure and restrictions to maintain residential character.

That is a general overview. Let me know if you have any further questions or concerns.

Best,

Marcco Higham

From: dickr338@myawai.com <dickr338@myawai.com>
Sent: Thursday, August 10, 2023 8:53 PM
To: Marcco Higham <mhigham@douglas.co.us>
Subject: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

To: Marcco Higham

Date: August 10, 2023

From: Richard Reynolds

RE: Douglas County Zoning Resolution Amendment – Proposed Zoning Amendment to Class 1 Home Occupations

-
I have accessed the Douglas County website at www.douglas.co.us/PRO and entering the project file number **DR2023-002** in the search tool. I get a no information was found matching your search criteria. Please try again. Error message. Can you please explain what are a Class 1 and Class 2 Home Occupations.

Thank you,

Richard Reynolds
9847 Wild Crocus Circle
Parker, CO 80134
(303) 918-1578
Dickr3338@myawai.com

From: [Linda Langewisch](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations
Date: Monday, August 14, 2023 3:28:32 PM
Attachments: [image001.png](#)

Good Afternoon;

I am not the official spokesperson for the community; let's wait for the Board response prior to recording.

Thank you for asking, however!

Thank you,

Linda Langewisch, CMCA

Community Manager

MSI, LLC

6892 S. Yosemite Ct., Ste. 2-101

Centennial, CO 80112

Direct: (720) 974-4273

Fax: (303) 751-7396

llangewisch@msiho.com

I am available on Monday/Wednesday/Thursday to respond to your questions and concerns.

After hours emergency: (303) 420-4433.

For assistance with the Enumerate Engage (formerly **Nabr**) website: contact engagesupport@goenumerate.com or 855-373-5722.



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Please consider the environment before printing this email.

From: Marcco Higham <mhigham@douglas.co.us>

Sent: Monday, August 14, 2023 3:27 PM

To: Linda Langewisch <llangewisch@msiho.com>

Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

Hi Linda,

Thank you for your response. I am tasked with documenting responses from this courtesy notice for the proposed zoning amendment. To make sure it is accurate, would you like me to document your response and attribute it to MSI, LLC?

Or should I wait for Pradera's Board and Design Review Committee for documentation purposes? Let me know how to proceed.

Thank you,

MarcCo Higham

From: Linda Langewisch <llangewisch@msihoa.com>

Sent: Monday, August 14, 2023 3:04 PM

To: MarcCo Higham <mhigham@douglas.co.us>

Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

Good Afternoon:

Thank you for sending. I have sent the amendment to both the Pradera Board of Directors and the Design Review Committee for comments. This will impact the current design guidelines for Pradera; the objective from the beginning has been to *not* allow accessory buildings in the past (per the covenants) and allow for free range viewing rather than sheds/accessory buildings dotting the back yards and cluttering the view.

Thank you,

Linda Langewisch, CMCA

Community Manager

MSI, LLC

6892 S. Yosemite Ct., Ste. 2-101

Centennial, CO 80112

Direct: (720) 974-4273

Fax: (303) 751-7396

llangewisch@msihoa.com

I am available on Monday/Wednesday/Thursday to respond to your questions and concerns.

After hours emergency: (303) 420-4433.

For assistance with the Enumerate Engage (formerly **Nabr**) website: contact engagesupport@goenumerate.com or 855-373-5722.



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From: Marcco Higham <mhigham@douglas.co.us>
Sent: Monday, August 14, 2023 2:32 PM
To: Linda Langewisch <llangewisch@msiho.com>
Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

Hi Linda,

I have the agenda item attached for the proposed zoning amendments to Class 1 Home Occupations. You can also view the filing and documents at this direct link:

<https://apps.douglas.co.us/planning/projects/Default.aspx?PossePresentation=DocumentAndRegulationJob&PosseObjectId=88563704>

Let me know if you need any further assistance.

Best,

Marcco Higham

From: Linda Langewisch <llangewisch@msiho.com>
Sent: Monday, August 14, 2023 1:22 PM
To: Marcco Higham <mhigham@douglas.co.us>
Subject: RE: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations
Importance: High

Good Afternoon;

When trying to view this amendment, it refers me to the office of the county clerk. Can you send this as an attachment that I can forward onto the Board at Pradera?

Thank you,

Linda Langewisch, CMCA

Community Manager

MSI, LLC

6892 S. Yosemite Ct., Ste. 2-101

Centennial, CO 80112

Direct: (720) 974-4273

Fax: (303) 751-7396

llangewisch@msiho.com

I am available on Monday/Wednesday/Thursday to respond to your questions and concerns.

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From: Marcco Higham <mhigham@douglas.co.us>

Sent: Thursday, August 10, 2023 11:53 AM

To: Linda Langewisch <llangewisch@msiho.com>

Subject: Douglas County Zoning Resolution Amendment - Proposed Zoning Amendment to Class 1 Home Occupations

To Whom It May Concern:

Date: August 10, 2023

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – Proposed Zoning Amendment to Class 1 Home Occupations

SECTION 23 HOME OCCUPATION

Section Contents

2301	Intent	23-2
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2310	Class 2 Home Occupation – USR in A-1, LRR, and RR Districts	23-6

2301 Intent

To provide for the operation of limited commercial activities within residential and agricultural zoning districts. The standards for home occupations herein are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation. Uses such as motor vehicle repair or body shop, medical clinic, hospital, bed and breakfast establishment, animal clinic/hospital, retail business, or any similar use generating more than occasional or minimal vehicular traffic are not considered a home occupation.

2302 Class 1 Home Occupation

A Class 1 home occupation is defined as a business, profession, occupation, or trade conducted entirely within a residential building or within a building accessory thereto, which use 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 such a building.

The permission granted or implied by Class 1 Home Occupations shall not be construed as an exemption from any applicable covenants, conditions, restrictions, architectural standards, or other private agreements and obligations.

2303 Class 1 Home Occupation – Criteria

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

- 2303.01 Such use ~~may~~shall be conducted ~~only~~ within the principal dwelling, provided that the total area for such purpose shall not exceed 50% of the first-floor area of the principal dwelling; one permitted accessory structure; or both. ~~No detached accessory structures shall be allowed.~~

The total area for such purpose within the accessory structure shall not exceed:

- For lots less than 1 acre in size: 500 sq. ft.
- For lots 1 acre or greater in size: 1,000 sq. ft.

- 2303.02 Such use shall be conducted only by the occupant's thereof plus not more than 1 nonresident employee.

- 2303.03 Such use shall be clearly incidental and secondary to the use of the residence as a dwelling and shall not change the character thereof.

- ~~2303.04 The total area used for such purpose shall not exceed 50% of the first-floor area of the principal dwelling.~~

2303.04 Accessory structures shall be similar in facade to a single-family dwelling, private garage, shed, barn, or other such structure and shall be compatible in design and scale with the neighborhood.

2303.05 There shall be no exterior advertising of the home occupation.

2303.06 There shall be only limited and incidental sale of products made by the residents and conducted on the site.

2303.07 There shall be no outside storage on the premises of materials or equipment used in connection with the home occupation.

2303.08 There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the lot.

2303.09 Traffic shall not be generated which significantly affects the residential character of an area.

2303.10 Such use shall 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 this Section shall not be construed as an exemption from such regulation.

2303.11 There shall be only incidental and minimal use or storage of toxic or flammable materials.

2304 Class 2 Home Occupation

Class 2 home occupations are allowed in order to promote greater self-sufficiency; the economical use of energy; to reduce congestion and the burden on the road network; to improve air quality; to promote the family unit; and to protect and conserve the nonurban areas. The nature of resources available, and the benefits and disadvantages created by home occupations necessitate a distinction between Class 1 and Class 2 home occupation. Each concept is based on supplementing income and recognizes that the districts in which each is practiced has unique characteristics. For these reasons, Class 2 home occupations shall be permitted in the A-1, LRR, and RR zoning districts, on conforming lots only. *(Amended 8/23/22)*

A Class 2 home occupation is defined as a business, profession, occupation, or trade conducted for gain or support and located entirely within or operating from a residential building or a building accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the residential character of the dwelling, lot, or neighborhood. *(Amended 8/23/22)*

The permission granted or implied by a Class 2 Home Occupation Permit shall not be construed as an exemption from any applicable covenants, conditions, restrictions, architectural standards, or other private agreements and obligations. *(Amended 8/23/22)*

2305 Class 2 Home Occupation – Criteria

- 2305.01 Such use may be conducted within the dwelling, provided that the total area for such purpose shall not exceed 50 percent of the floor area of the dwelling; one permitted accessory structure; or both. *(Amended 8/23/22)*
- 2305.02 Such use shall be conducted only by the occupants thereof plus not more than 2 nonresident employees.
- 2305.03 Such use shall be clearly incidental and secondary to the use of the residence as a dwelling and shall not change the character thereof.
- 2305.04 Accessory structures shall be similar in facade to a single-family dwelling, private garage, shed, barn, or other such structure and shall be compatible in design and scale with the neighborhood. *(Amended 8/23/22)*
- The accessory structure shall 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 Master Plan.
- 2305.05 There shall be no exterior advertising of the home occupation.
- 2305.06 There shall be only limited and incidental sale of products conducted on the premises.
- 2305.07 There shall be no outside storage on the premises of materials or equipment used in conjunction with the home occupation.
- 2305.08 There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the property.
- 2305.09 Traffic shall not be generated which significantly affects the rural or residential character of an area.
- 2305.10 Such use shall 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 this Section shall not be construed as an exemption from such regulation. Demonstration of such compliance may be required prior to issuance of a Class 2 Home Occupation Permit. *(Amended 8/23/22)*

- 2305.11 There shall be only incidental and minimal use or storage of toxic or flammable materials.

2306 Class 2 Home Occupation – Permit Process

A home occupation permit is required for Class 2 occupations and the applicant has the responsibility of showing that the proposed home occupation is within the purpose and criteria of 2304 and 2305 herein. The permit shall be processed administratively by the Planning Division pursuant to the purposes stated in 2304 and the criteria in 2305 herein, as follows:

- 2306.01 The landowner or lessee shall meet with staff to discuss the proposed home occupation and the procedure to obtain a permit for such use.
- 2306.02 The application for a Class 2 home occupation shall be submitted on a form obtained from the Planning Division and shall be signed by the landowner, if other than the applicant, and shall include plans or exhibits, as required.
- 2306.03 The applicant shall submit with the application an affidavit certifying owners of all abutting properties and the homeowner's association, if applicable, have been provided notice. Such notification shall be either a notice of the Class 2 home occupation permit request sent by certified mail to the owners' addresses as shown in the records of the Douglas County Assessor's Office, or the applicant may obtain a signed statement from the abutting landowners and/or homeowner's association stating that they were notified of the Class 2 home occupation permit request. Copies of the mailed notice, signed statements, and certificates of mailings shall be submitted with the application. *(Amended 8/23/22)*
- 2306.04 The applicant shall submit the appropriate fee in accordance with the fee schedule adopted by the Board.
- 2306.05 The application shall be reviewed using the criteria of this Section, and compliance with other local, state or federal regulations.
- 2306.06 The Director shall make a decision to approve or deny the application within 10 working days of the date a complete application was received, unless the applicant agrees to an extension not to exceed 30 days.
- 2306.06.1 Approval shall be based on the criteria in 2305 herein and conditions may be imposed that ensure that the criteria in 2305 herein and the intent of this Section are met.
- 2306.06.2 The following may be reasons for denial, but are not inclusive:

- The on-street or on-site parking of trucks or other types of equipment associated with the home occupation.
- The littered, unkept and otherwise poorly maintained condition of the dwelling site.
- Noncompliance with the criteria in 2305, the intent of this Section or this Resolution.
- The proposal cannot be conditioned to meet the criteria in 2305 or the intent of this Section.

2306.07 An appeal of the Director's decision regarding a home occupation permit may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

2307 Class 2 Home Occupation – Permit Renewal

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

2308 Class 2 Home Occupation – Permit Transferability

A Class 2 home occupation permit is valid only 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/business. The new landowner/lessee shall apply for a new permit.

2309 Class 2 Home Occupation – Permit Revocation

If, upon review, the conditions or restrictions imposed by this Section 23 or by the permit have not been complied with, the Director may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the Class 2 home occupation permit. The revocation of the permit may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

2310 Class 2 Home Occupation – Use By Special Review in A-1, LRR, and RR Districts

A landowner may apply for a use by special review in accordance with Section 21 of this Resolution when the Class 2 Home Occupation would exceed the criteria for the maximum area of the use in 2305.01, exceed the criteria for the maximum number of nonresident employees in 2305.02, or any combination thereof. *(Amended 8/23/22)*