

**TOWN OF SEVERANCE
ORDINANCE NO. 2025-02**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
SEVERANCE, COLORADO, AMENDING CHAPTER 16, “LAND USE
CODE,” OF THE SEVERANCE MUNICIPAL CODE REGARDING
HOME-BASED BUSINESS REGULATIONS**

WHEREAS, in accordance with Section 16.19.120 of the Severance Municipal Code, Town staff may initiate amendments to the text of the regulations in Chapter 16, “Land Use Code,” of the Severance Municipal Code (“Code”); and

WHEREAS, Town staff has proposed amendments to the Land Use Code to amend zoning district regulations and implement permitting and review standards and regulations for home-based businesses in the Rural Residential, Suburban Perimeter, and Town Core zoning districts; and

WHEREAS, in accordance with Section 16.19.120 and 16.19.10, the Planning Commission held a public hearing and reviewed the proposed amendments at its meeting on December 18, 2024, and recommended approval of the proposed amendments; and

WHEREAS, on January 14, 2025, the Town Council held a duly noticed public hearing to consider the proposed amendments¹ and reviewed the amendments in accordance with the criteria in Section 16.19.120(b) of the Code; and

WHEREAS, the Town Council desires to amend Chapter 16 of the Severance Municipal Code to amend zoning district regulations and implement permitting and review standards and regulations for home-based businesses in the Rural Residential, Suburban Perimeter, and Town Core zoning districts; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance’s home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance’s police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:** ²

¹ Notice of the Town Council’s public hearing on the proposed amendments in this ordinance was published on December 30, 2024, on the Town of Severance’s homepage, <https://www.townofseverance.org/>, in accordance with Section 16.19.40(b)(4) and Tables 19.10 and 19.40 in Article 19 of the Land Use Code.

² Additions to existing Code provisions are shown by underlining; deletions from existing Code provisions are shown by ~~strikethrough~~.

Section 1. Section 16.9.20, “Home-based businesses Type I and Type II,” of Article 9, “Supplemental Regulations,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby amended to read as follows:³

Sec. 16.9.20. Home-based businesses ~~Type I and Type II.~~

~~Home-based businesses must meet the following standards:~~

(a) *Permit required.* All home-based businesses shall require a permit issued by the Town Manager or designee according to the following:

- (1) *An application form and support materials shall be submitted to the Planning department;*
- (2) *A permit may be approved by the Town Manager or designee upon a finding that all standards in this section are met, and the Town Manager or designee may require any additional conditions or limitations on the permit to ensure that the standards continue to be met;*
- (3) *A permit shall be valid for as long as the home-based business holds a valid business license issued by the Town, except that the permit may be revoked as provided in subsection (c) of this section regardless of the status of the business license;*
- (4) *A permit is valid only for the original applicant, and is not transferable to another person or to another location; and*
- (5) *A home-based business shall not be eligible for a Town-issued business license until a permit is approved. Upon approval of the permit, the applicant shall apply for and obtain a Town-issued business license for the home-based business. Operation of the home-based business shall not commence until the applicant has obtained a Town-issued business license.*

(b) *Standards.* A home-based business may be accessory to a primary residential use on the lot and shall meet all of the following standards:

- (1) In addition to the family occupying the dwelling containing the home-based business, there shall not be more than one (1) outside employee working at the site of the home-based business.
- (2) The home-based business shall not exceed one thousand (1,000) square feet or thirty percent (30%) of the total floor area of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred (500) square feet. The home-based business shall be conducted entirely within the

³ Family child care homes are regulated and licensed by the State of Colorado and must comply with all applicable state laws and regulations. *See* C.R.S. § 26.5-5-301 – 331 (Child Care Licensing) and Section 7.707 (Rules Regulating Family Child Care Homes) in 12 CCR 2509-8 (Child Care Facility Licensing), available online at <https://cdec.colorado.gov/for-providers/rules-and-regulations> (last visited on 12/2/2024).

dwelling or designated accessory building, except as required for state-licensed family child care homes.

(3) The home-based business shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.

(4) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home-based business, including advertising signs larger than two (2) square feet in total size. No other displays or advertising that solicit or direct persons to the address other than the single sign limited to two (2) square feet in total area are permitted.

(5) There must be no exterior storage on the premises of material or equipment used as a part of the home-based business unless it is enclosed and lot coverage requirements for accessory uses are met.

(6) No equipment or process shall be used in such home-based business that creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or outside the dwelling unit if conducted in other than a single-family dwelling.

(7) The following uses, because of their tendency to go beyond the limits permitted for home-based businesses and thereby impair the use and value of the residential area, shall not be permitted as home-based businesses: medical marijuana center, medical marijuana optional premises cultivation operation, medical marijuana-infused products manufacturing; auto repair or motorized implement repair; dance, music or other types of instruction (if more than four (4) students are instructed at one (1) time); the painting of vehicles, trailers or boats; private schools with organized classes; welding shops; nursing homes and any retail or wholesale sales to consumers upon the premises not incidental to the home-based business (e.g., hair care products at a hair stylist).

(8) All exterior aspects of the home-based business operation shall not disrupt the residential character of the area.

~~(9) The maximum number of vehicle trips per day for clients who may visit the home-based business per day is fifteen (15).~~

(9) No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood. In general, this shall be limited to:

a. No more than one (1) customer vehicle parked at the property at a time, except for drop-off and pick-up of children for childcare or instruction.

b. No more than ten (10) client visits per week, except for drop-off and pick-up of children for childcare or instruction.

c. Delivery of products or materials is limited to that normally associated with residential purposes.

d. All parking necessary for the use shall meet the neighborhood design standards, and be confined to the garage, driveway, or street directly in front of the dwelling.

(10) The property shall comply with all Town building codes and property maintenance standards.

(11) Use of utilities shall be limited to that typically associated with residential purposes.

(c) Revocation of permit. The Town Manager or designee may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

(d) When special use permit is required. Any home-based business not meeting the standards or otherwise denied a permit by the Town Manager or designee may only be approved by a special use permit.

Section 2. Section 16.6.10.3, "Land uses," of Division 1, "Rural Residential," of Article 6, "Zoning Districts," of Chapter 16, "Land Use Code," of the Severance Municipal Code is hereby amended to read as follows

Sec. 16.6.10.3. Land uses.

(a) Uses by right:

- (1) Single-family residential.
- (2) Accessory dwelling.
- (3) Home-based business, in compliance with Article 9 (Supplemental Regulations) of this chapter (Type I).
- (4) Parks.
- (5) Schools.

(b) Encouraged Uses:

- ~~(1) Home-based business (Type II).~~
- ~~(2)~~ (1) Agriculture commercial (Type II).
- ~~(3)~~ (2) Golf courses.
- ~~(4)~~ (3) Churches.
- ~~(5)~~ (4) Outdoor recreation.

~~(6)~~ (5) Agriculture hobby (Type I) noncommercial, focused (management Plan template).

- (c) Uses requiring additional review. Note: Land uses not identified may be considered with additional review to be determined by Planning Staff at pre-application meeting. See Section 16.3.4 of this chapter.

Section 3. Section 16.6.20.3, “Land uses,” of Division 2, “Suburban Perimeter,” of Article 6, “Zoning Districts,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby amended to read as follows:

Sec. 16.6.20.3. Land uses.

- (a) Uses by right:

- (1) Residential uses.
- (2) Accessory dwelling (limited).
- (3) Home-based business, in compliance with Article 9 (Supplemental Regulations) of this chapter ~~(Type I)~~.
- (4) Neighborhood parks.
- (5) Schools.
- (6) Outdoor recreation.

- (b) Encouraged Uses.

- (1) Bed and breakfast establishments.
- (2) Churches.
- (3) Childcare centers.
- (4) Adult day/respice centers.
- (5) Long-term care facilities.
- (6) Office, financial, medical services and clinics.
- (7) Neighborhood shopping centers.
- (8) Golf courses.

- (c) Uses requiring additional review:

- ~~(1) Home-based business (Type II) — See Article 9, Supplemental Regulations.~~
- ~~(2)~~ (1) Workshops/small custom industry.

Note: Land uses not identified may be considered with additional review to be determined by Planning Staff at pre-application meeting. See Section 16.3.4.3 of this chapter.

Section 4. Subsections (b)(2) and (c)(2)p. of Section 16.6.30.3, “Uses,” of Division 3, “Town Core,” of Article 6, “Zoning Districts,” of Chapter 16, “Land Use Code,” of the

Severance Municipal Code are hereby amended to read as follows:

Sec. 16.6.30.3. Uses.

* * *

(b) Encouraged Uses.

* * *

(2) Commercial, retail or service land uses:

* * *

o. [Reserved.]

p. Home based business, in compliance with Article 9 (Supplemental Regulations) of this chapter Type I.

* * *

(c) Uses requiring additional review.

* * *

(2) Commercial, retail or service land uses:

* * *

~~p. Home Based Business Type II.~~

* * *

Section 5. Table 19.40, "Notification Timeframes and Requirements," in Section 16.19.40, "Public hearing and notification requirements," of Article 19, "Review and Approval Procedures," of Chapter 16, "Land Use Code," of the Severance Municipal Code is hereby amended to delete the last row of such table, as follows:

Table 19.40. Notification Timeframes and Requirements				
(See Table 19.10 - Review Procedures for additional information)				
Application Type	Meeting Type	Mailed Notice	Posted Sign	Publication
* * * [Other rows not amended by this ordinance.] * * *				
Home-Based Business Type H	TC	Owners within 500 feet; 15 calendar days prior to meeting	15 calendar days prior to meeting	Not required

PC = Planning Commission
 TC = Town Council

BOA = Board of Adjustments
 <> = Public Hearing

Section 6. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 8. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 9. In accordance with Section 6.03(6) of the Town of Severance Home Rule Charter, this ordinance shall be effective thirty (30) days after publication.

Section 10. Violations of this ordinance shall be punishable in accordance with Section 1-4-20 of the Severance Municipal Code.

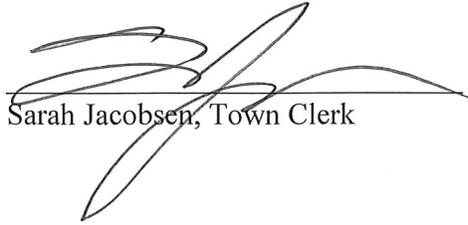
INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 24 day of January, 2024 ~~2025~~

TOWN OF SEVERANCE, COLORADO



 Matthew Fries, Mayor

ATTEST:



Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

DocuSigned by:

B0660CCEFD54DA...
Hayashi & Macsalka, LLC, Town Attorney

