

Poudre Overlook Homeowners Association of Fort Collins
Home Occupation Policy

The following policy regarding home occupations was adopted by the Board of Directors of the Poudre Overlook Homeowners Association of Fort Collins.

Effective Date: _____.

Policy Purpose

To clarify home occupations within the Association.

This Policy shall replace and supersede all previous policies, rules, and regulations regarding the subject matter of this Policy.

I. Definitions

1. Advertise shall mean a notice or announcement in any medium or form which promotes a product, service, or event, or publicizes a job vacancy, or any person or thing regarded as a means of recommending something.
2. Board shall mean and refer to the Board of Directors of the Poudre Overlook Homeowners Association of Fort Collins (“Association”).
3. Cottage Food Products shall mean non-potentially hazardous baked goods, jams, jellies, and other non-potentially hazardous foods produced at a cottage food operation as defined by the Colorado Cottage Foods Act.
4. Cottage Food Operation shall mean a person who produces cottage food products only in the home kitchen of that person's primary domestic residence and only for sale directly to the consumer. A Cottage food operation shall not operate as a food service establishment, retail food store, or wholesale food manufacturer.
5. Dwelling shall mean the homeowners/members residence or house including the basement and attached garage.
6. Home Occupation shall mean business use conducted as an incidental and accessory use in the homeowner’s dwelling unit, including office work, the making of art or crafts and the providing of personal or professional services. Such business use does not include the assembly, cultivating, manufacturing, or otherwise producing any product of an industrial or commercial nature. **Home occupations exclude small sales events.**
7. Non-potentially Hazardous food shall mean foods that do not require refrigeration to maintain food safety.
8. Retail sales shall mean the sale of consumer goods directly to end users.
9. Sign shall mean a notice that is publicly displayed giving information or instructions in a written or symbolic form.

II. Registration

1. Any property owner who wishes to establish a home occupation **must** file a copy of the Larimer County **accepted** Home Occupation Registration Certificate with the Board prior to operation. If more than one home occupation is conducted on any lot, a registration certificate for **each** must be filed with the Board **prior** to operation. Certificate applications are available through the Larimer County Planning Department. Remember to adhere to the Poudre Overlook Homeowners Association criteria contained herein and **not** Larimer County criteria.
2. Any property owner who wishes to establish a Cottage Foods home occupation **must** file a copy of the Larimer County **accepted** Cottage Food Producer Application form **and** a copy of the completed food safety training certificate. If more than one Cottage Food business is conducted on any lot, a Cottage Food Producer Application for **each** must be filed with the Board **prior** to operation. Applications are available through the Larimer County Planning Department.

III Criteria

All home occupations must meet the following criteria:

1. The operator of the home occupation shall occupy the residential dwelling on the property as their primary dwelling unit.
2. The home occupation is conducted in a legally constructed dwelling.
3. The home occupation must not change the residential character of the lot or the exterior appearance of the dwelling.
 - a. There is no outside storage associated with home occupations.
 - b. All activities associated with the home occupation **must** be conducted within the interior of the dwelling.
4. The home occupation may utilize up to twenty-five percent (25%) of the square footage of the dwelling.
5. Multiple home occupations are allowed on any lot provided that for all home occupations totaled together, the requirements for a single home occupation are not exceeded.
6. The home occupation may only be conducted by members of the family who reside on the premises plus up to one full time equivalent person who works at the site of the home occupation and does not reside on the premises. Under no circumstances shall any tenant/renter conduct a home occupation at the dwelling.
7. Only those home occupations which require no visits from customers and no parking at or near the Residence in connection with such occupation shall be allowed.
8. No in-person/on-site retail sales shall be conducted in conjunction with the home occupation.

9. Deliveries may be made to, and pickups may be made from, the Lot no more than once per day.
10. Any noise, dust, odors, vibration, or light generated as a result of the home occupation at any time of day shall not unreasonably interfere with the quiet enjoyment of life, comfort, or outdoor recreation of the residents of Poudre Overlook or any individual of ordinary sensitivity and habits.
11. All applicable land use, health, and building codes must be met.

IV Prohibited Home Occupations

The following uses are specifically prohibited as home occupations but are not limited to: lodging facilities, adult uses, vehicle repair including auto body or paint shops, assembly uses, light or heavy manufacturing uses, hazardous material storage and/or processing, flea markets, general retail, rentals of any kind, junkyards, shooting ranges, solid waste disposal or transfer centers, uses prohibited by state or federal law, value-added agriculture, uses classified as hazardous waste generators under state or federal legislation, outdoor storage of recreational vehicles, boats, trailers and other large items, and retail marijuana establishments.

V. Cottage Foods

1. The Colorado Cottage Foods Act (“Act”) allows a producer to sell only a limited range of non-potentially hazardous food products directly to consumers without licensing or inspection. There are restrictions on how and where a producer can sell their Cottage Foods product(s) as well as requirements for training, product labeling, and verification of pH in pickling, and so on. Cottage Food products **must** comply with the Act. Visit the Colorado Department of Public Health & Environment website for more information.
2. Specific prohibited items include but are not limited to: baked or fried goods having cream, custard or meringue fillings or toppings; sauces such as barbeque, hot, pasta, pizza, salad dressing or salsas; cut fresh fruits and vegetables; fruit or vegetable juices or concentrates; fruit or vegetable purees; pepper jelly or jams made with fresh peppers or homemade dehydrated peppers.

VI. Signage

Signs are not allowed per:

1. The Resolution of Poudre Overlook Homeowners Association of Fort Collins Regarding Flags and Signs (prohibits signs bearing commercial messages) and
2. The Covenants, Conditions and Restrictions (there shall be no evidence of a home occupation visible from the outside of the residence).

In the event that a court of competent jurisdiction finds any portion of this policy void or otherwise unenforceable, the other provisions shall remain in full force and effect.

The undersigned hereby certifies that the foregoing resolution was adopted and made a part of the minutes of the meeting of the Board of Directors of the Association conducted on the _____ day of _____, 20_____.

Poudre Overlook Homeowners Association of Fort Collins

By: _____

_____, _____
(Print Name) (Print Title)