

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2007-33

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4  
5 AN ORDINANCE

6 AMENDING SECTION 14-6.3(C)(2) SFCC 1987 REGARDING HOME OCCUPATIONS.

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8 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

9 Section 1. Section 14-6.3(C)(2) SFCC 1987 (being Ord. #2001-38, §2) is

10 amended to read:

11 (2) Home Occupations

12 (a) Purposes

13 The purposes of the Home Occupations Ordinance are to increase the economic  
14 vitality of the City; provide increased worker independence, self-sufficiency and  
15 motivation; decrease traffic congestion in the City through the enhancement of  
16 community; increase the safety of the neighborhoods by promoting neighborhood  
17 activity; integrate the ideas of working and residing in the same environment;  
18 protect the stability and character of the neighborhood; and encourage  
19 neighborhood participation in the determination of a successful balance between  
20 neighborhood residents and home-based businesses.

21 (b) Standards

22 Home occupations are permitted on all property, including residential or mixed-  
23 use residential/commercial, provided that the following standards are met:

24 (i) General Standards

25 A. The home occupation shall involve the primary sale of goods or

1 services in connection with such home occupation, including:

- 2 1. Goods which are prepared, produced or grown on the  
3 premises; or  
4 2. Services which are developed on the premises and  
5 provided on or off the premises; or  
6 3. The sale of goods which are not produced on the  
7 premises and which are only distributed off the  
8 premises; or  
9 4. Repair services that take place solely within the home.

10 B. The home occupation shall be located on the same lot as the  
11 permitted principal use or structure or on a contiguous lot in the  
12 same ownership.

13 C. The home occupation shall be conducted by a person residing on  
14 the premises in which the home occupation is conducted. Not  
15 more than two persons, other than members of the family  
16 residing on the premises, in which a home occupation is  
17 conducted, shall be regularly engaged in such occupation.

18 Residency shall be established by any standard identification that  
19 proves residency such as a driver's license, passport or voter  
20 registration, or other documentation that proves that the person  
21 conducting the home occupation has resided at the site of the  
22 occupation for one month or more.

23 D. Except for on-street parking, as set forth in this section, a home  
24 occupation shall be completely contained within the property  
25 lines of the lot on which the home occupation is located. A home

1 occupation shall be in compliance with the performance  
2 standards set forth in §10-4 and not produce any offensive noise,  
3 vibration, smoke, dust, odors, heat, gas, glare, electrical  
4 interference, nor shall it otherwise create a risk to health, safety  
5 or property of residents and occupants of adjacent and  
6 neighboring properties. The storage of fire arms, ammunition,  
7 fire works or similar explosives for sale or service is prohibited.  
8 Mechanical or electrical equipment which is incidental to the  
9 home occupation may be used provided it does not create visible  
10 or audible interference in radio, computer or television receivers  
11 or cause fluctuation in voltage of the premises or neighboring  
12 premises. Depending upon the nature of the home occupation,  
13 City staff may require proof of compliance with the above, prior  
14 to issuance of a business registration.

15 E. Employees, customers or clients, or deliveries shall not enter the  
16 premises between the hours of 7:00 p.m. and 8:00 a.m. weekdays  
17 and 7:00 p.m. and 10:00 a.m. weekends. Depending upon the  
18 nature of the home occupation, City staff may reduce the hours  
19 of operation. Deliveries shall be limited to vehicles that do not  
20 exceed 11 feet in height and 20 feet in length.

21 (ii) Structural Standards

22 A. Not more than 25% of the gross floor area of the dwelling unit,  
23 including accessory buildings, shall be used to conduct a home  
24 occupation. In determining the gross floor area of an accessory  
25 dwelling unit, no more than 1000 square feet shall be used.

1 Stricter federal regulations may apply.

2 B. Nothing incidental to the conduct of a home occupation shall be  
3 constructed, installed, placed, parked or stored on a residentially  
4 zoned lot on which a home occupation is being conducted if it is  
5 visible from any adjacent or neighboring property and if it is not  
6 in keeping with the residential character of the neighborhood(s)  
7 surrounding the lot except for signs and parking set forth below.  
8 Any person who conducts a home occupation and applies for a  
9 building permit shall demonstrate to City staff that the proposed  
10 construction does not violate any section of the Home  
11 Occupation Ordinance.

12 C. Signs shall not exceed one, and the area of such sign shall not  
13 exceed one square foot.

14 (iii) Parking Standards

15 A. Depending upon the nature of the home occupation, the  
16 following parking spaces shall be provided on the lot:

- 17 1. If there are no employees who reside off the premises  
18 and customers or clients do not come to the premises,  
19 only parking for the dwelling unit is required;
- 20 2. If there are no employees who reside off the premises  
21 and customers or clients come to the premises, at least  
22 one parking space shall be provided on the lot for every  
23 400 square feet of the gross floor area of such premises  
24 used for the conduct of the home occupation, in addition  
25 to that required for the dwelling unit;

1 3. If there are any employees who reside off the premises  
2 and customers or clients do not come to the premises, at  
3 least one parking space shall be provided on the lot for  
4 every employee simultaneously working, in addition to  
5 that required for the dwelling unit;

6 4. If there are employees who reside off the premises and  
7 customers or clients come to the premises, at least one  
8 parking space shall be provided on the lot for every  
9 employee simultaneously working and at least one  
10 parking space shall be provided on the lot for every 400  
11 square feet of the gross floor area of such premises used  
12 for the conduct of the home occupation in addition to  
13 that required for the dwelling unit;

14 B. No more than one vehicle, relating to a home occupation, may be  
15 parked at any one time on the streets adjacent or proximate to the  
16 lot on which the home occupation is being conducted; however,  
17 in light of the character of the surrounding neighborhood, City  
18 staff may prohibit any vehicles used in connection with a home  
19 occupation from parking on-street. This section regulates parked  
20 vehicles not associated with the residential use of the dwelling  
21 unit.

22 (iv) Other Requirements; Inspections

23 A. The home occupation shall comply with all other applicable  
24 codes, including without limitation, the currently adopted fire  
25 and building codes, the Americans with Disabilities Act, and the

1 City's wastewater requirements. Depending upon the location of  
2 the home occupation, private covenants enforceable by those  
3 governed by the covenants may apply.

4 B. Inspections by the City shall be required prior to issuance of the  
5 business registration for the home occupation only for those  
6 home occupations where the following occur: employees who  
7 reside off the premises come to the premises; customers or  
8 clients come to the premises; or goods for sale are prepared,  
9 produced, grown or stored on the premises. The City reserves the  
10 right to inspect all home occupations for code compliance at  
11 such times as the City receives a complaint or has reason to  
12 believe the city's codes may be violated.

13 (v) Notice; Registration; Violations; Complaints; Variances; Appeals

14 A. Any person proposing to conduct a home occupation that will  
15 have more than one employee who will reside off the premises  
16 or that will have customers or clients coming to the premises,  
17 shall as part of their application be required to give notice,  
18 certified mail return receipt requested, of the home occupation  
19 application to all residents and property owners within 150 feet  
20 of the premises and nearby neighborhood association. The notice  
21 shall include the nature of the home occupation, the number of  
22 employees, whether customers or clients will be involved, the  
23 willingness of the applicant to meet with the neighboring  
24 residents and property owners and that the neighboring resident  
25 and property owner may review the application at the City

1 offices. The neighboring residents and property owners have 15  
2 days from the date the notice was mailed to review the  
3 application. Staff shall collect and evaluate this public comment  
4 that shall be used in determining whether the home occupation  
5 shall be approved and what restrictions if any shall be placed on  
6 it.

7 B. Each person who engages in a home occupation shall register the  
8 home occupation with the City on forms designated by the City,  
9 shall provide such information as required by the forms to verify  
10 compliance with the regulations, and shall renew such  
11 registration each year.

12 C. No person shall conduct a home occupation in violation of this  
13 section. In addition to any other remedies available, the City may  
14 revoke the business registration for the home occupation or the  
15 certificate of occupancy for any building in which a home  
16 occupation is being conducted in violation of this section. Failure  
17 to comply with the provisions of this section shall be subject to  
18 penalty as provided in Article 14-11.

19 D. Any person who believes to be aggrieved by the Home  
20 Occupation Ordinance may file a complaint with the City.  
21 Within 30 calendar days of the City's receipt of such a complaint,  
22 the City will investigate the complaint and issue a written  
23 decision as to whether the home occupation against which the  
24 complaint was filed violates or complies with this section. If a  
25 violation is found, City staff shall determine the actions that have

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been or should be taken to address the violation. Complaints shall be kept on file and be open to the public. When investigating complaints, staff shall review the file for prior complaints.

E. Variances to the standards set forth in this section shall be heard by the Board of Adjustment as per §14-3.16.

F. Any person aggrieved by a decision of City staff, with respect to a home occupation, may appeal that decision to the Board of Adjustment as per §14-3.17.

(c) Exclusions

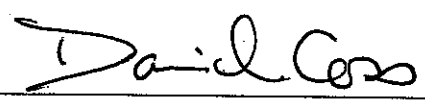
Home occupations otherwise authorized under this section shall not be allowed in any residential area where there are legally binding restrictive covenants prohibiting commercial activities.

(d) Semi-Annual Report

The City Manager shall make a semi-annual report to the Governing Body regarding the implementation, management, and enforcement of this chapter.

The Governing Body shall hold a semi-annual public hearing for the purpose of receiving public input regarding concerns about the implementation, management, enforcement, and fiscal impact of this chapter.

PASSED, APPROVED, and ADOPTED this 27<sup>th</sup> day of August, 2007.

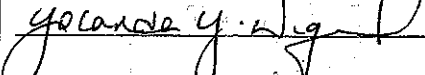


DAVID COSS, MAYOR



1 ATTEST:

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4 YOLANDA Y. VIGEL, CITY CLERK

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6 APPROVED AS TO FORM:

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9 FRANK D. KATZ, CITY ATTORNEY

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