

Article 14-6: PERMITTED USES AND USE REGULATIONS

(2) Home occupations

(a) Purposes

The purposes of the this Subsection 14-6.3(D)(2) are to increase the economic vitality of Santa Fe; provide increased worker independence, self-sufficiency and motivation; decrease traffic congestion through the enhancement of community; increase the safety of the neighborhoods by promoting neighborhood activity; integrate the ideas of working and residing in the same environment; protect the stability and character of the neighborhood; and encourage neighborhood participation in the determination of a successful balance between neighborhood residents and home-based *businesses*. (Ord. No. 2012-11 § 16)

(b) Standards

Home occupations are permitted on all *property*, including *residential* or *mixed-use residential/commercial* if the standards provided in this paragraph are met.

(c) General Standards

(Ord. No. 2013-16 § 33)

(i) The *home occupation* shall involve the primary sale of goods or services in connection with the *home occupation*, including: 1) goods that are prepared, produced or grown on the *premises*; 2) services that are developed on the *premises* and provided on or off the *premises*; 3) the sale of goods that are not produced on the *premises* and that are only distributed off the *premises*; or 4) repair services that take place solely within the home.

(ii) The *home occupation* shall be located on the same *lot* as the permitted *principal* use or *structure* or on a contiguous *lot* in the same ownership.

(iii) The *home occupation* shall be conducted by the *business* owner who resides continuously for a substantial period of time at the *premises* in which the *home occupation* is conducted. Continuous residence is determined by the land use director by review of relevant factors. The address listed on a driver's license, voter registration or tax return may not be sufficient to establish continuous residence.

(iv) Not more than two persons, other than members of the *family* who reside on the *premises*, shall be regularly engaged in the *home occupation*.

(v) Except for *on-street* parking, as set forth in this section, a *home occupation* shall be completely contained within the *property* lines of the lot on which the *home occupation* is located. A *home occupation* shall be in compliance with the performance standards set forth in Section 10-4 SFCC (General Environmental Standards); not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare or electrical interference; or otherwise create a risk to health, safety or *property* of residents and occupants of adjacent and neighboring *properties*. The storage of firearms, ammunition, fireworks or similar explosives for sale or service is prohibited. Mechanical or electrical equipment that is incidental to the *home occupation* may be used if it does not create visible or audible interference in radio, computer or television receivers or cause fluctuation in voltage of the premises or neighboring premises. Depending upon the nature of the *home occupation*, the land use director may require proof of compliance with these restrictions prior to issuance of a *business* registration.

(vi) *Employees, customers, clients or deliveries shall not enter the premises between the hours of 7:00 p.m. and 8:00 a.m. weekdays and 7:00 p.m. and 10:00 a.m. weekends. Depending on the nature of the home occupation, the land use director may reduce the hours of operation. Deliveries are limited to vehicles that do not exceed eleven (11) feet in height and twenty (20) feet in length.*

(d) Structural Standards

(i) Not more than twenty-five percent of the *gross floor area* of the *dwelling unit*, including *accessory buildings*, shall be used to conduct a *home occupation*. In determining the *gross floor area* of an *accessory dwelling unit*, no more than one thousand (1,000) square feet shall be used.

(ii) Nothing incidental to the conduct of a *home occupation* shall be constructed, installed, placed, parked or stored on a residentially zoned *lot* on which a *home occupation* is being conducted if it is visible from any adjacent or neighboring *property* and if it is not in keeping with the *residential* character of the neighborhoods surrounding the *lot*, except for *signs* and parking set forth in item (iii) below. A person who conducts a *home occupation* and applies for a construction *permit* shall demonstrate to the *land use director* that the proposed construction does not violate any section of this Subsection 14-6.3(D)(2). (Ord. No. 2012-11 § 18)

(iii) No more than one *sign* is permitted, and the area of the *sign* shall not exceed one square foot.

(e) Parking Standards

(i) Depending on the nature of the *home occupation*, the following parking spaces shall be provided on the *lot*: 1) if there are no *employees* who reside off the *premises* and customers or clients do not come to the premises, only parking for the *dwelling unit* is required; 2) if there are no *employees* who reside off the premises and customers or clients come to the *premises*, at least one parking space shall be provided on the lot for every four hundred (400) square feet of the *gross floor area* of the *premises* used for the *home occupation*, in addition to that required for the *dwelling unit*; 3) if there are any *employees* who reside off the *premises* and customers or clients do not come to the *premises*, at least one parking space shall be provided on the *lot* for every *employee* simultaneously working, in addition to that required for the *dwelling unit*; 4) if there are *employees* who reside off the *premises* and customers or clients come to the *premises*, at least one parking space shall be provided on the *lot* for every *employee* simultaneously working and at least one parking space shall be provided on the *lot* for every four hundred (400) square feet of the *gross floor area* of such *premises* used for the *home occupation* in addition to that required for the *dwelling unit*;

(ii) No more than one vehicle relating to a *home occupation* may be parked at any one time on the *streets* adjacent or proximate to the *lot* on which the *home occupation* is being conducted; however, in light of the character of the surrounding neighborhood, the *land use director* may prohibit any vehicles used in connection with a *home occupation* from parking on the *street*. This item regulates parked vehicles not associated with the *residential* use of the *dwelling unit*.

(f) Other Requirements; Inspections

(i) The *home occupation* shall comply with all other applicable codes, including without limitation the currently adopted fire and building codes, the federal American disabilities act and the *city's* wastewater requirements. Depending on the location of the *home occupation*, private covenants enforceable by those governed by the covenants may apply.

(ii) Inspections by the *city* are required prior to issuance of the *business* registration for the *home occupation* only for those *home occupations* in which the following occur: 1) *employees* reside off the *premises* come to the *premises*; 2) customers or clients come to the *premises*; or 3) goods for sale are prepared, produced, grown or stored on the *premises*. The *city* reserves the right to inspect all *home occupations* for code compliance at such times as the *city* receives a complaint or has reason to believe the *city's* codes may be violated.

(g) Notice; Registration; Violations; Complaints; Variances; Appeals

(i) A person proposing to conduct a *home occupation* that will have more than one *employee* who will reside off the *premises* or that will have customers or clients coming to the *premises*, shall as part of the application be required to give notice, by first class mail with mailing certificate, of the *home occupation application* to all residents and *property owners* within one hundred fifty (150) feet of the *premises* and nearby neighborhood associations. The notice shall include the nature of the *home occupation*, the number of *employees*, whether customers or clients will be involved, the willingness of the *applicant* to meet with the neighboring residents and *property owners* and that the neighboring resident and *property owner* may review the *application* at the *city* offices. The neighboring residents and *property owners* have fifteen days from the date the notice was mailed to review the *application*. The *land use director* shall collect and evaluate this public comment that shall be used in determining whether the *home occupation* shall be approved and what restrictions, if any, shall be placed on it.

(ii) Each person who engages in a *home occupation* shall register the *home occupation* with the *city* on forms designated by the *city*, shall provide such information as required by the forms to verify compliance with the regulations, and shall renew such registration each year.

(iii) A person shall not conduct a *home occupation* in violation of this section. In addition to any other remedies available, the *city* may revoke the *business* registration for the *home occupation* or the *certificate of occupancy* for any *building* in which a *home occupation* is being conducted in violation of this section. A person who fails to comply with the provisions of this section is subject to a penalty as provided in Article 14-11.

(iv) A person who is aggrieved by an approved *home occupation business* may file a complaint with the *city*. Within thirty calendar days of the *city's* receipt of the complaint, the *city* shall investigate the complaint and issue a written decision as to whether the *home occupation* against which the complaint was filed violates or complies with this section. If a violation is found, the *land use director* shall determine the actions that have been or should be taken to address the violation. Complaints shall be kept on file and be open to the public. When investigating complaints, the *land use director* shall review the file for prior complaints.