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## HOME OCCUPATION

Application Packet  
Town of Taos  
Planning and Zoning Department

Ordinance 99-05  
Land Use Development Code

PLANNING  & ZONING

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# HOME OCCUPATION APPLICATION

## SUBMITTAL CHECK LIST

The following submittals are required to receive a Home Occupation Permit in the Town of Taos and the Extra-Territorial Zone. Please complete and submit three (3) copies on 8 1/2 x 11 paper of the requested information. Information will be due as seen fit by the Site Development Review Staff of the Town of Taos Planning and Zoning Department. Incomplete, inadequate or late submittals will result in delay or rejection of the request for Home Occupation. Please contact staff with questions regarding the submittals required herein.

### **\*NOTE: ALL DRAWINGS MUST BE DRAWN TO SCALE**

- Completed Home Occupation application
- Signed Public Notice Procedure Requirements Form
- Proof of Residency: Proof that person proposing to conduct Home Occupation has resided at the site of the proposed Home Occupation for one (1) month or more.
- Completed Town of Taos Business Registration Application
- Copy of notice sent to all property owners within two hundred (200) feet of the proposed Home Occupation.
- List of names and addresses of all landowners notified of the Home Occupation application.
- US Postal Service certified mail receipts and return receipts proving notification.
- Vicinity Map
- Site plan and survey plat (minimum scale: 1" = 20'). Site plan shall depict all existing and proposed structures, setbacks, parking area and other applicable strict/standard requirements.
- Property Owner information on file with the County Assessor as follows:
  - A) Copy of the tax map (including map number) depicting subject property and adjacent property
  - B) List of owners of record listed on file for adjacent properties.
- Copy of legal description of property.
- Copy of registered deed.

***\*IF THE APPLICANT FAILS TO PROVIDE THE ABOVE REQUESTED INFORMATION, THEN THE APPLICATION PROCESS SHALL BE POSTPONED UNTIL ALL REQUESTED INFORMATION HAS BEEN PROVIDED.***

# APPLICATION FOR HOME OCCUPATION

Town of Taos  
Planning and Zoning Department  
400 Camino de la Placita  
Taos, New Mexico 87571  
Phone: (505) 751-2016 Fax: (505) 751-2026

Date: \_\_\_\_\_ Case Number \_\_\_\_\_

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

Applicant/Agent Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

Zoning: \_\_\_\_\_ Acreage of Subject Property: \_\_\_\_\_

***\*Attach a legal description of property and a copy of registered deed.***

Name of Home Occupation: \_\_\_\_\_

Description of Home Occupation: \_\_\_\_\_

Gross Floor Area of all Buildings on Lot: \_\_\_\_\_ Square Feet.

Gross Floor Area of Home Occupation: \_\_\_\_\_ Square Feet.

Number of Employees: \_\_\_\_\_

## SUBMITTAL CERTIFICATION

I hereby certify that the documentation submitted for review and consideration by the Town of Taos Planning and Zoning Department has been prepared in accordance with Section 5-7 of the Town of Taos Land Use Development Code and the Home Occupation checklist and that failure to include the minimum submittals may result in the delay or rejection of my application. I also certify that the signature(s) affixed to this application are those of the property owner and authorized agent.

\_\_\_\_\_  
Print Applicant Name

\_\_\_\_\_  
Print Staff Name

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent's Signature

\_\_\_\_\_  
Date

# PROCEDURE REQUIREMENTS

## PUBLIC NOTICE HOME OCCUPATION

Town of Taos

Planning and Zoning Department

400 Camino de la Placita

Taos, New Mexico 87571

Phone: (505) 751-2016 Fax: (505) 751-2026

Along with an application for Home Occupation, the applicant must satisfy the following PUBLIC NOTICE requirements:

1. The applicant must provide notice by certified mail; return receipt requested to any Neighborhood Association and all adjacent property owners within a 200-foot radius (excluding public right-of-way) of the subject property. 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 residents and property owners may review the application at the Town of Taos Planning and Zoning Department within fifteen (15) days from the date the notice was mailed. .
2. The applicant shall deliver to the Planning Department, a list of the names and addresses of all land owners notified of the application. Attached to the list shall be US Postal Service certified mail receipts and all return receipts showing delivery of the notices.
3. The Code Administrator will review the application once Steps 1 and 2 are complete.
4. The neighboring residents and property owners shall have fifteen (15) days from the date the notice was mailed to review the application.
5. Town of Taos Planning Department Staff shall collect and evaluate public comment and determine whether the application shall be approved and what, if any, restrictions shall be placed on it.

***\*IF THE APPLICANT FAILS TO GIVE PROPER NOTICE, OR FILE PROPER PROOF OF NOTICE THEN THE APPLICATION PROCESS SHALL BE POSTPONED UNTIL PROPER NOTICE IS GIVEN AND FILED.***

\_\_\_\_\_  
Print Applicant Name

\_\_\_\_\_  
Print Staff Name

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Date

# HOME OCCUPATION REGULATIONS

Town of Taos  
Planning and Zoning Department  
400 Camino de la Placita  
Taos, New Mexico 87571  
Phone: (505) 751-2016 Fax: (505) 751-2026

## 2-4.107. Home Occupation

Any occupation, profession or activity conducted by the residents of a lot or lots that is customary, incidental and secondary to the primary residential use of a property, and that is not visible or evident on the lot or lots. A home occupation shall comply with strict regulations in order to maintain the residential character of a neighborhood and protect the health and safety of adjacent and neighboring properties and property owners. See Section 5-7 of this Code.

## SECTION 5-7. HOME OCCUPATION

### 5-7.1. Purposes, Standards

- A) Purpose: The purpose of this section is to increase the economic vitality of the Town of Taos; provide increased worker independence, self-sufficiency and motivation; decrease traffic congestion in the Town of Taos 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.
- B) Use standards: Home occupations are allowed in all zones in which they are permitted uses, provided that the following standards are met:
1. There shall be no visual appearance of the home occupation on the lot;
  2. There shall be no external evidence of the home occupation such as signs (unless required by law), commercial vehicles or outside storage of stock or materials;
  3. The home occupation shall involve the primary sale of goods or services in connection with such home occupation, including:
    - a. Goods which are prepared, produced or grown on the premises; or
    - b. Services which are developed on the premises and provided on or off the premises; or
    - c. The sale of goods which are not produced on the premises and which are only distributed off the premises; or
    - d. Repair services that take place solely within the premises.

4. The home occupation shall be located in the primary dwelling unit or an accessory structure on a single lot;
5. The home occupation shall be conducted by persons residing on the premises in which the home occupation is conducted. Not more than two (2) persons, other than members of the family residing on the premises, in which a home occupation is conducted, shall be regularly engaged in such home occupation. Residency shall be established by any standard identification or other documentation that proves that the person conducting the home occupation has resided at the site of the occupation for one (1) month or more;
6. Except for on-street parking, where allowed, 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 all performance standards set forth in Article IV and V of this Code, and shall not produce any offensive noise, vibration, smoke, dust, odors, heat, gas, glare, electrical interference, nor shall it otherwise create a risk to health, safety or property of residents and occupants of adjacent and neighboring properties. Mechanical or electrical equipment which is incidental to the home occupation may be used provided 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. If a potential exists for any of these adverse impacts, the Code Administrator shall require proof of compliance with the above, prior to issuance of a business license;
7. Depending upon the nature of the home occupation, the Code Administrator may limit the hours of operation;
8. A Town of Taos business license is required;
9. No more than two (2) home occupations shall be allowed at any location and both must comply with the requirements of this section.

#### **5-7.2. Structural Standards**

- A. Not more than twenty-five percent (25%) of the gross floor area of the dwelling unit, including accessory buildings, shall be used to conduct a home occupation. Stricter federal regulations may apply.
- B. 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 neighborhood(s) surrounding the lot except for parking set forth below. Any person who conducts a home occupation and applies for a building permit shall demonstrate to the Code Administrator that the proposed construction does not violate Section 5-7 of this Code.

#### **5-7.3. Parking Standards**

- A. Depending upon the nature of the home occupation, the following minimum number of parking spaces shall be provided on the lot:
  1. One (1) parking space for the dwelling unit;

2. If customers or clients come to the premises, an additional one (1) parking space for every four hundred (400) square feet of gross floor area used for the conduct of the home occupation, if customers or clients come to the premises; and
  3. If employees reside off the premises, an additional one (1) parking space for every employee simultaneously working, if employees reside off the premises.
- B. No more than one (1) 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 Code Administrator may prohibit any vehicles used in connection with a home occupation from parking on the street. This section regulates parked vehicles not associated with the residential use of the dwelling unit.

#### **5-7.4. Other Requirements**

The home occupation shall comply with all other applicable codes, laws, regulations, and Town of Taos Ordinances. Depending upon the location of the home occupation, private covenants enforceable by those governed by the covenants may apply.

#### **5-7.5. Notice, Registration, Violations, Complaints, Variances, Appeals**

- A. Any person proposing to conduct a home occupation that will have more than one (1) employee who will reside off the premises or that will have customers or clients coming to the premises, shall be required to give notice by personal service or certified mail, return receipt requested, from the Postal Service, of the home occupation application to any neighborhood association and all property owners within two hundred (200) feet, excluding public right-of-way, of the exterior boundary of the property which is the subject of the home occupation application. 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 residents and property owners may review the application at the Town of Taos offices.
- B. The applicant shall deliver a list of the names and addresses of all land owners notified of the application to the Code Administrator. Attached to the list shall be United States Postal Service certified mail receipts showing evidence of the proper mailing of the notices and all return receipts received from the Postal Service showing delivery of the notices, or the signature of each land owner notified by personal service. The Code Administrator will review the application for home occupation only after these proofs of notification are received.
- C. The neighboring residents and property owners shall have fifteen (15) days from the date the notice was mailed to review the application. Town of Taos Staff shall collect and evaluate public comment and determine whether the home occupation shall be approved and what restrictions, if any, shall be placed on it.
- D. Each person who engages in a home occupation shall register the home occupation with the Town of Taos on forms, the contents of which have been approved by the Code Administrator, shall provide such information as required by the forms to verify compliance with the regulations, and shall renew such registration each year.

- E. No person shall conduct a home occupation in violation of this section. In addition to any other remedies available, the Town of Taos may revoke the business license for the home occupation or the certificate of occupancy for any structure in which a home occupation is being conducted in violation of this section.
- F. Any person who believes to be aggrieved by business activities pursued under Section 5-7 of this Code may file a complaint with the Town of Taos Planning and Zoning Department. Within thirty (30) calendar days of receipt of such a complaint, the Code Administrator will investigate the complaint and issue a written decision as to whether the home occupation against which the complaint was filed violates or complies with the Code. If a violation is found, the Code Administrator shall determine what actions should be taken to address the violation. Complaints shall be kept on file and be open to the public. When investigating complaints, the Code Administrator shall review the file for prior complaints.
- G. Any person aggrieved by a decision of the Code Administrator with respect to a home occupation may appeal that decision to the Commission as provided in Section 3-8 of this Code.
- H. Any person aggrieved by an appeal decision rendered by Commission may appeal that decision to Town Council as provided in Section 3-8 of this Code.