

TOWN OF TAOS

HOME OCCUPATION PERMIT

APPLICATION PACKET

PLANNING, COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT



HOME OCCUPATION PERMIT APPLICATION

Planning, Community and Economic Development Department
 400 Camino de la Placita
 Taos, NM 87571
 Phone (575-751-2016
 Fax (505) 751-2026



CASE NO PZB20 ____ - _____

BUSINESS REGISTRATION NUMBER: _____

PROPERTY OWNER INFORMATION

Name			
Mailing Address			
City ST ZIP Code			
Telephone Number		Cell Phone	
E-Mail Address			

BUSINESS/HOME OCCUPATION INFORMATION

Business/Home Occupation Name			
Business Physical Address			
Business Owner Name			
Mailing Address			
City ST ZIP Code			
Telephone Number		Cell Phone	
E-Mail Address			
Will Customers or Clients visit the home business?	YES		NO
Will employees visit the home business?	YES		NO
Number of Vehicles			
Number of Parking Spaces			
Description of Home Occupation / Business			

ZONING INFORMATION

Zone	
Acreage of Subject Property	

HOME OCCUPATION/BUSINESS REGISTRATION APPLICATION SUBMITTAL CHECK LIST

The following submittals are required in order to be considered for a Home Occupation Business Permit. Please complete and submit this completed application along with the required documentation as outlined in Section 16.20.070 Home Occupation of the Town of Taos Municipal Code. Complete application packet shall be submitted to the Planning, Community and Economic Development Department. Incomplete, inadequate or late submittals will result in delay or rejection of the request for a Home Occupation Business Permit. Please contact staff with questions regarding the submittals required herein.

*NOTE: ALL DRAWINGS MUST BE DRAWN TO SCALE

- Completed Home Occupation Application
- Completed Business Registration Application
- Business Registration fee - \$35.00
- 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
- If the subject property of the proposed Home Occupation is a rental, proof that the person proposing to conduct the Home Occupation has permission from the property owner to do business at that location in the form of a letter or lease. Lease must specify Home Occupation.
- Legal description of property
- Copy of registered deed
- Vicinity Map
- Site Plan (minimum size 24" by 36") 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
- Floor plans (minimum scale 1/8" = 1') depicting:
 - A. Existing conditions
 - B. Proposed area for the Home Occupation
 - C. Total amount of floor area used for the Home Occupation
- Submit a narrative explaining how the Home Occupation Permit applied for will meet the requirements of Section 16.20.070 Home Occupation. (The Home Occupation Permit will not create a danger to the public health, safety or welfare, nor cause an extraordinary expense, nor create a nuisance.)
- 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 property within two hundred feet (200'), excluding public right of way, of the exterior boundary of the property which is the subject of the home occupation application
- List of names and address of all property owners notified of the Home Occupation application

- Copy of notice sent to all property owners within two hundred feet (200), excluding public right of way, of the exterior boundary of the property which is the subject of the home occupation application
- US Postal Service certified mail receipts and return receipts proving notification
- Signed Public Notice Procedure Requirements Form

Agreement and Signature

I, the undersigned, understand that any discussions and/or other communications between any authorized representative for this application and any/all Town of Taos Staff members regarding this application do not constitute the entire review of this application and that additional and/or alternate conditions and/or requirements above and beyond those that may have been discussed may be required. I also realize that failure to include applicable application material(s) may result in the rejection of my application or delays in the approval process. I also certify that the signature(s) affixed to this application are those for the property owner and authorized agent. If I am the agent, I am including an owner's affidavit.

Property Owner Name (printed)	
Signature	
Date	
Business Owner Name (Printed)	
Signature	
Date	
Agent Name (Printed)	
Signature	
Date	

Attached:

- Section 16.20.070 Home Occupation
- Business Registration Application
- Chapter 5.04 Business Registration Act
- Fire Inspection Fee Schedule
- Business Registration Check List

Date Application Received: Stamped by Town of Taos.

- APPROVED
- DENIED

Code Administrator Signature: _____ DATE: _____

**Procedure Requirements
Public Notice – Home Occupation**

Along with an application for Home Occupation, the applicant must satisfy the following Public Notice Requirements if the Home Occupation will have more than one employee who will reside off the premises or that will have customers or clients coming to the premises.

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 application 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, Community and Economic Development 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 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 of the notice was mailed to review the application.
5. Town of Taos Planning, Community and Economic Development Department Staff shall collect and evaluate public comments 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.

(Check One)

- WILL** have more than one employee who will reside off the premises and/or will have customers or clients coming to the premises.
- WILL NOT** have more than one employee who will reside off the premises and/or will have customers or clients coming to the premises.

Applicant Signature

Date

16.20.070: HOME OCCUPATIONS:

16.20.070.1: PURPOSES, STANDARDS:

A. Purpose: The purpose of this section [16.20.070](#) 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 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 [chapter 16.16](#) of this title and this chapter, 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 16.20.070. (Ord. 99-05, 1999)

16.20.070.2: 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 this section 16.20.070. (Ord. 99-05, 1999)

16.20.070.3: 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. Parking spaces as defined in section [16.20.040](#) of this chapter for class of residential use;
 2. If customers or clients come to the premises, an additional one parking space for every four hundred (400) square feet of gross floor area used for the conduct of the home occupation; and
 3. If employees reside off the premises, an additional one parking space for every employee simultaneously working.
- B. 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 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. (Ord. 04-05, 2004: Ord. 99-05, 1999)

16.20.070.4: 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. (Ord. 99-05, 1999)

16.20.070.5: NOTICE, REGISTRATION, VIOLATIONS, COMPLAINTS, VARIANCES, APPEALS:

- A. Any 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 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 feet (200'), 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 landowners 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 landowner 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 this section [16.20.070](#) 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 this title. 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 [16.12.080](#) of this title.
- H. Any person aggrieved by an appeal decision rendered by the commission may appeal that decision to town council as provided in section [16.12.080](#) of this title. (Ord. 99-05, 1999)

Chapter 5.04
BUSINESS REGISTRATION ACT

5.04.010: IMPOSITION OF BUSINESS REGISTRATION FEE:

- A. There is imposed on each place of business conducted in this municipality and on those contractors, persons and businesses performing services under a contract for services or professional service contract for the town, a business registration fee of thirty five dollars (\$35.00). The fee is imposed pursuant to section 3-38-3, New Mexico Statutes Annotated, 1978, as it now exists or is amended and shall be known as the "business registration fee". The business registration fee may not be prorated for businesses conducted for a portion of the year.
- B. Persons participating in the annual Taos Fiestas, the Taos Festival of the Arts, a farmers' market allowed pursuant to [chapter 5.20](#) of this title, and other such limited duration functions are declared to be exempt from payment of the business registration fee. This exemption applies only to those persons who have received permission to participate from the sponsoring organization. (Ord. 10-04, 2010: Ord. 92-12, 1992: Ord. 92-5 § 2, 1992: prior code § 19-28)

5.04.020: APPLICATION:

- A. Generally: Any person filing an application for issuance or renewal of any business registration shall include in the application his current revenue division taxpayer identification number or evidence of application for a current revenue division taxpayer identification number.
- B. Application To Do Business: Any person proposing to engage, or engaging in business, within the town of Taos municipal limits, or those doing business with the town under a contract for services or a professional service contract shall apply for, and pay, a business registration fee for each outlet, branch or location within the municipal limits of the town prior to engaging in business. (Ord. 92-5 § 3, 1992: prior code § 19-29)

5.04.030: RENEWAL:

- A. Renewal Generally: Prior to March 16 of each year any person with a place of business in the town and subject to this chapter shall apply for renewal of business registration with the municipal clerk.
- B. Late Fee: Any registration not applied and paid for by March 16 shall be subject to a late fee of ten dollars (\$10.00). In addition to this late fee, provided by law, a person found guilty of violation of this chapter shall also be subject to those penalties prescribed by section 3-17-1, New Mexico Statutes Annotated, 1978 (as amended). (Ord. 92-5 § 4, 1992: prior code § 19-30)

5.04.040: PENALTIES FOR VIOLATIONS:

Any person found guilty of violating any of the provisions of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned for a period of not more than ninety (90) days, or both. Each day this chapter is violated shall constitute a separate offense. (Ord. 92-5 § 5, 1992: prior code § 19-31)

5.04.050: EXEMPTIONS:

The following shall be required to complete and file an application for business registration but shall be exempt from paying the required fee: a) nonprofit organizations and b) those persons, contractors, or businesses whose contract for service(s) is under five thousand dollars (\$5,000.00). (Ord. 92-5 § 6, 1992: prior code § 19-32)

Business or Building CO Inspections

Facility	Fee
Home Occupancy Business	No Fee
Itinerant Vendor	\$25.00
Businesses 3,000 sq. ft. or less	\$75.00
Businesses 3,001 -6,000 sq. ft.	\$150.00
Businesses 6,001-9,000 sq. ft.	\$200.00
Businesses 9,001-12,000 sq. ft.	\$250.00
Businesses 12,001 sq. ft. or more	\$300.00
1,000+ sq. ft. membrane structures (tents)	\$50.00
Open Burning Permit	Free

Annual Fire Inspection Fees

Business Space Type	Fee
Space of 1,500 sq. ft. or less	\$20.00
Space of 1,501 to 3,000 sq. ft.	\$40.00
Space of 3,001 to 6,000 sq. ft.	\$75.00
Space of 6,001 to 9,000 sq. ft.	\$100.00
Space of 9,001 sq. ft. or more	\$150.00
Re-inspection	No fee- standard violation fines begin at this point

Plan Review Fees

Commercial Plan Review	\$.035/ square foot
Residential Fire Sprinkler Plans	\$50.00
Commercial Fire Sprinkler Plans	\$50.00 + \$1.00 per device over 50
Commercial Fire Sprinkler Modification Plans	\$50.00
Commercial Fire Alarm System Plans	\$50.00 + \$1.00 per device over 50
Commercial Hood Fire Suppression System Plans	\$50.00
Fire Evacuation Plans	\$25.00

BUSINESS REGISTRATION CHECK LIST

- ❑ Completed Business Registration Application (Make sure all lines are completed and all questions are answered)
- ❑ **HARD COPY** of NM CRS Tax ID Number **from** New Mexico Taxation and Revenue Department (Hand written CRS # on documents not accepted)
- ❑ **HARD COPY** of Federal Tax ID Number **from** IRS or make sure SS# is on the application (Hand Written FEIN # on documents not accepted)
- ❑ Approved Fire Inspection from Taos Fire Department (signature on application or fire inspection report emailed with approval from Fire Marshal, email must state “Okay to release business registration or fire inspection report must state “congratulations”)
- ❑ Approval from Public Works (Dea Lane) (Grease Traps, Utility Hook-up, etc.) – Application must be signed off by Public Utilities Director or designee
- ❑ Food Certificate from NM Environment Department for all businesses proposing to sell any kind of food or beverage products
- ❑ Certifications received pertaining to type of business proposed (beauty/barber shops, car/recreation vehicle dealerships, medical, contractors, etc.)
- ❑ Certificate of Occupancy for new construction and/or change of occupancy
- ❑ Conditional Use Permit approval or Special Use Permit approval from Planning and Zoning Commission if applicable (Depending on proposed business and zone)

Incomplete applications will not be accepted.