

**STATE OF NEW MEXICO
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 279**

AMENDING APPLICATION AND APPROVAL PROCESS FOR HOME OCCUPATION PERMITS TO ALLOW HOME OCCUPATIONS IN COMMERCIAL AND MIXED-USE ZONES TO BE APPROVED WITHOUT PUBLIC NOTICE; TO ALLOW DE MINIMUS HOME OCCUPATIONS TO BE APPROVED WITHOUT PUBLIC NOTICE; AMENDING THE CONDITIONS OF APPROVAL FOR DE MINIMUS HOME OCCUPATIONS.

WHEREAS, COVID-19 has highlighted that some types of business activities can occur in one's home with minimal to no impact on the surrounding neighborhood; and

WHEREAS, in the instance there are multiple dwellings on a property, the public notice ordinarily required for home occupation permits in commercial and mixed-use zones is obviated by the fact there are no immediately surrounding neighbors; and

WHEREAS, commercial activities are allowed on commercial and mixed-use properties in accordance with the Village Code; and

WHEREAS, a one thousand (1,000) square foot accessory building is already authorized by the Village Code for home occupations and should not create more impact on the surrounding area any more than a five hundred (500) square feet currently allowed for a residence, so long as the other requirements of the De Minimis Home Occupation Permit are met; and

WHEREAS, removal of the public notice requirement clarifies superfluous language in the Code and simplifies the home occupation license process, thus making it easier for businesses which create no additional impact on the surrounding neighborhood to register, which in turn encourages such businesses to register.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE:

Chapter 9, Article 2, Section 25 is hereby amended as follows:

§ 9.2.25 APPLICATION AND APPROVAL PROCESS

(D) PLANNING DIRECTOR ISSUED PERMITS. The following permits may be issued by the Planning Director. Any decision of the Planning Director may be appealed to the Board/Commission.

(4) Home Occupation Permit. A home occupation is any use or activity clearly incidental and secondary to the use of a premise as a dwelling.

(a) Permit Required. It shall be unlawful for any person, either directly or indirectly to conduct any home occupation without a permit approved by the Planning Director or Commission.

(b) Procedure for issuance of permit.

1. Every person required to procure a permit under the provisions of this paragraph shall submit an original permit application to the Village. The application shall be in such form and require such information as the Planning Director shall determine.

2. Public Notice shall follow §9.2.25(F), [except for permits issued in the C-1, VC, or GD zones, which do not require notice.](#)

(5) Home Occupation Permit – De Minimis

(a) The Planning Director may administratively approve such home occupation permit applications that meet the requirements of a De Minimis Home Occupation, a classification of home occupation activity that produces no visible or invisible effect at the property such as providing an internet service.

1. Public Notice [is not required.](#) ~~shall follow § 9.2.25(F).~~

(b) A De Minimis home occupation permit may be approved to allow business activities within a residential property that comply with the following conditions.

1. It shall be conducted entirely within the residence or accessory buildings on the residential property and only by persons living at the residence.

2. No more than five hundred (500) square feet of a residence, and no [more than one thousand \(1,000\) square feet of an](#) accessory building shall be used to conduct a De Minimis home occupation.

a. §9.2.25(D)(5)(b)(2) shall take effect on January 8, 2014 for all new applications.

3. It shall not generate vehicular traffic or parking around the residence in addition to that normally associated with the use of the residence as a dwelling.

4. Any heavy equipment, trucks, or vehicles not normally associated with residential use that shall be used directly or indirectly in the home occupation shall not be stored or parked on public streets or residential property.

5. There shall be no change in the outside appearance of the residence or accessory building or other visible evidence of the conduct of the home occupation.

6. Any sales shall be limited to products or services generated or provided by the residents of the property and must not disrupt the residential nature of the neighborhood.

7. There shall be no storage of materials or displays of merchandise visible from outside the lot lines of the residence.

8. There shall be no storage of materials or products that are explosive, flammable, toxic, or otherwise hazardous to persons living within the residence or to the public.

9. No activity shall be performed outside of the dwelling or accessory buildings which is not normally associated with the use of the residence as a dwelling.

10. The conduct of the business shall not produce offensive noise, vibration, fumes, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, electrical interference or other objectionable effects beyond the exterior walls of the dwelling or accessory building.

11. Other conditions shall be imposed as deemed reasonable and necessary.

12. Every home occupation permittee shall comply with all federal, state, county, and municipal laws and regulations applicable to permitted occupations and the failure to do so shall constitute grounds for revocation. Each license shall be posted on the premises where it is visible at all times.

13. De Minimis home occupations shall not employ individuals other than the permittee and permittee family members who live and work on the premises.

14. All home occupations must abide by the regulations of the zone in which the home is located.

15. No signage shall be permitted.

16. Upon request by the Planning Director, the permittee shall completely and fully cooperate with any investigation of any complaint or suspected code violation, including allowing a complete on premises inspection by Village designated personnel.

(F) PUBLIC NOTICE REGULATIONS.

(1) Planning Director Approval

(b) For Home Occupation Permits, ~~De Minimis Home Occupation Permits~~ and Bed and Breakfast permits, the Village shall mail individual notice of the application request by first class mail to adjoining neighbors stating the nature of the proposed home occupation or that it is a Bed and Breakfast.

SEVERABILITY CLAUSE: Should any section, subsection, paragraph, sentence, clause, phrase, provision, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the expressed intent of the Board to pass each section, subsection, paragraph, sentence, clause, phrase, provision, and every part thereof separately and independently of every other part.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Los Ranchos de Albuquerque, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED, and ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this 14th day of July 2021.




Danielle Sedillo-Molina, Clerk

APPROVED:


Donald T. Lopez, Mayor