

# SLDC Public Input Process-Home Based Business CDP

**The purpose of this document is to provide information so you can have informed input to the SLDC Public Input Process. What should you do?**

1. Go to County website to get background information on the public process at [www.santafecounty.org](http://www.santafecounty.org). Select Sustainable Land Development Code from the Hot Topics section of the website or go directly to [http://www.santafecounty.org/growth\\_management/slDC](http://www.santafecounty.org/growth_management/slDC)
2. Please review the document. Note that the first section is background information and the second section has questions for consideration for the Home Business CDP.
3. Please provide your input on the Home Business CDP. You can do any of the following:
  - a. Go to Public Input Database from the County website. Either add a New Issue or contribute in the Forums. You may also look for instructional videos as a guide for using the database. Search for SLDC-PIP at youtube.com or use the links on the SLDC page.
  - b. Contact Robert Griego by email at [rgriego@santafecounty.org](mailto:rgriego@santafecounty.org) or phone 986-6215.
  - c. Attend focus group meetings on June 9<sup>th</sup> at 2:00 PM or on June 13<sup>th</sup> at 4:00 PM in the County Commission Chambers at 102 Grant Avenue. The focus meetings will be interactive and you can participate remotely via internet, email or phone.

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# SLDC Public Input Process-Home Based Business CDP

## Home Based Business CDP Background:

### *Existing Code and Policies regarding home based business.*

The current county code and regulations for home occupations are summarized below:

- Home occupation is an accessory use to a residence.
- Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation;
- There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;
- Parking for employees and for customers shall be provided off the street;
- No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.
- A site plan is required as part of the home occupation submittal process.
- It is an administrative decision for approval of a home occupation.
- A home occupation must have a County business license.

### *What are the existing fees for a home occupation and business license?*

1. Costs for a home occupation business license are **\$435**. These costs include the following:
  - i. **\$100.00** Application Fee
  - ii. **\$175.00** Home Occupation Review Fee
  - iii. **\$75.00** Inspection Fee
  - iv. **\$25.00** Fire Review Fee
  - v. **\$25.00** Fire Inspection Fee
  - vi. **\$35.00** Business Registration Fee (Charged Annually for Re-Newel)

### *What are some of the problems with the existing code?*

1. Non-impacting home businesses require costly license and inspection.
  - a. Costs for a home occupation total \$435 which includes application fees, review and inspection fees, fire review and inspection fees and business license fees.
  - b. Home occupations require inspections which take time.
2. Home occupations require an inspection which costs money and time.
3. The current home occupation is a single definition. This definition may be too much of an impact for some areas and too restrictive for other areas.
4. Enforcement of restrictions and regulations after the home occupation has been approved may be difficult.

### *What do the SGMP policies state about home based businesses?*

Key Issues:

- Provision of employment-generating land uses and residential uses in mixed use development should be balanced to maintain a mix of jobs and housing to provide for the needs of both employees and employers.

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- Support and encourage local and small businesses that create employment opportunities in the County; including but not limited to technology, construction, healthcare, ecotourism, retail, office, media and film, consulting, finance, arts, manufacturing, green industry, aviation and industrial uses. Other diverse economic based industries should also be supported.
- Support existing and future development opportunities, including youth and young adults to obtain training to support professional career development are important, along with programs to retain young professionals.

### Policies and Strategies:

- Policy 8.3: Coordinate land use and zoning and incentivize a broad mix housing types to address workforce housing.
- Policy 8.5: Small business development, enterprises, and compatible home based businesses should be supported.
- Strategy 8.5.1: Support incentives to encourage local businesses to retrofit buildings to achieve code compliance.
- Policy 10.2: Arts, Culture and Tourism should be supported as a critical component of the County's economy, through local arts, art-related business and cultural events.

### ***What are the policies in existing community plans?***

Another example would be a slightly higher intensity for the next level which could be called a home business (home businesses are allowed in some community plans such as Agua Fria, El Valle de Arroyo Seco, San Pedro, 285 Corridor.) An example of home business regulations from El Valle de Arroyo Seco Community Plan are summarized below:

- Location-adjacent to Highway
- Density-at least 1.5 acres
- Activities-retail establishments, bed and breakfasts, professional services, small scale automotive (up to 2 bays), small scale restaurants, small scale daycare facilities, small animal breeding and boarding facilities, small manufacturing.
- Size- up to 2,000 square feet for the home business.
  - Outdoor storage facilities up to 1000 square feet for the home business.
- Home business signs.
- Home business submittal requirements, noticing, and application approval process.

## **CDPs for Home Based Business: Options and Discussion**

### ***Are these categories appropriate for home based businesses?***

Currently there are just two categories: Home Business and Commercial. However it is possible to have other categories. The idea is to have simpler, less costly procedures to license businesses that have less impact. What activities should be allowed, conditional or special for residential districts?

### **Residential Use - Home Based Business**

- ◆ **No-impact – No difference from the outside**
  - Uses: Computer, artist, writer, quilter
- ◆ **Low impact – minimal impact**
  - Uses: Home office with occasional walk-ins or deliveries
- ◆ **Agricultural Home Business – << can this be covered in the other categories? >>**
  - Uses: Agricultural sales, agriculture, vine culture
- ◆ **Home Business – some impact**
  - Uses: Bed and breakfast, chiropractor, massage

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- Some traffic or other impacts, but appropriate to residential area
- Anything usage that requires fire inspections falls in this category
- ◆ **Other uses currently unclassified: these may not be appropriate to include as Home Based Businesses**
  - Uses: Yard/garage sales, hobby uses
  - Temporary uses
  - Other

### Mixed Use Commercial Designations\*

- ◆ **Live/Work – residential with commercial business**
- ◆ **Commercial – Entire use of property commercial**

\*For reference only. These are not categorized as Home Based Business and will be discussed at another time.

### Discussion Questions:

- Should uses like yard sales or occasional uses be regulated? If someone has a “yard sale” every day, does it become a business?
- Can the uses in the agricultural category be covered by the others? Is there a need for such a category?
- Is it advantageous to separate low impact from home business?

### **Should some of the review standards for home based businesses be adjusted due to density or location?**

For example, in a high density area parking could be an issue. In a low density area it might not be. Or the effects of a welding shop on 160 acres vs. in a dense residential area.

### Note:

- Concerns were brought up about people in less dense areas move there to have peace and quiet

### ◆ **Density variance for noise, light, visual, fumes impacts**

#### Discussion Points:

- For noise the current 60db standard would still apply. So on a larger property, noisier activities would be allowed if the noise level at the boundary would still be 60db.
- Similar for fumes. I.e. fumes from a welding shop in the middle of 160 acres would be less noticeable than in an R-10 neighborhood.
- It's possible for the above reasons there is no need to take density into account

### ◆ **Parking and traffic in a less dense area**

#### Discussion Points:

- It is possible that in a less dense area, larger amounts of parking could be accommodated
- A problem is shared rural roads might not be able to accommodate more traffic
- Also traffic could create more noise and disturbance in rural areas

### ◆ **Location near other commercial zoning**

#### Discussion Questions:

- If a business is right next door to a commercial zone, does that impact the process.

### **What level of impacts (if any) are appropriate for each category of home based business?**

What impacts are appropriate in each category? Remember this is a residential district. See attached spreadsheet.

### Explanations:

- % of Residence Used-the percentage of the total square footage of the residence
- Signage-the total square footage for the outdoor sign

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- Outdoor Storage-the total square footage and percentage of outdoor storage
- Outdoor Activities-the total amount of space devoted to outdoor activities
- Hours of Operation-hours of operation for business activities that have impact
- Noise impact is set by the county code to be less than 60db at the property boundary. Here are some examples of noise impacts. 60 db is twice as loud as 50 db. 50 db is twice as loud as 40db.
  - Air conditioning unit at 100 ft 60 dB
  - Cash register at 10 ft 65-70 dB
  - Electric typewriter at 10 ft 64 dB
  - Dishwasher (Rinse) at 10 ft 60 dB
  - Conversation 60 dB
  - Large transformers at 100 ft 50 dB
  - Bird calls 44 dB
  - Lowest limit of urban ambient sound 40 dB
- Visual impact is additional sheds, stored materials, parked cars.
- Light impact are lighting uses. This becomes a concern at night if people nearby are sleeping.
- Noxious fumes are given off by certain processes like painting, welding, animals.
- Hazardous materials are flammable or toxic. The degree of storage might be important, i.e. a tube of superglue vs. crates of paint storage.
- Fire hazards include welding, kilns, heat treatments or anything that presents fire safety hazards.
- # of trips/day: the total number of trips each day, due to employees, customers and deliveries.
- # of employees: includes residents and external employees.
- # of customers: number per day
- # of parked cars: includes cars due to customers, deliveries and employees. Employee could carpool.

### Discussion Questions:

- Should density or location affect levels? See above CDP.
- Should there be lower levels after certain hours? Day vs. night to protect sleepers? Workday vs. weekends?
- What is the best measure of traffic impact: # of trips/day, # of employees, # of customers?
- What is the best measure of parking impact: # of employees, # of customers, # of parked cars?
- Do maximum vs. average impacts matter. For example one day a month where 100 people visit, vs 3 trips per day. Similarly a continuous noise as loud as a conversation, day and night could be annoying in a residential location.

### ***What application procedures (if any) are appropriate for each category of home based business?***

Are these procedures appropriate in each category? Remember this is a residential zoning. The expected degree of impact could alter the procedures. See attached spreadsheet.

### Explanations:

- Notification requirements: possible requirements for notification of neighbors
  - None
  - Within 100' or some distance of homes
  - All adjacent
  - Any on shared street: arterial, collector, subcollector
- Approval process:
  - Instantaneous: simple submission of forms
  - Administrative: A land use administrator approval. Informal process
  - CDRC: Requires one hearing by the County Development Review Committee (CDRC)
  - CDRC/BCC: Require hearing in front of CDRC and Board of County Commissioners
- Current Fees are:
  - Application fee: cost of processing application
- Studies
  - Traffic Impact Analysis, Water availability

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### Discussion Questions:

- What level of home being used is appropriate?
- What studies are appropriate, if any?
- What notification, approval processes are appropriate?

### ***What is the procedure to handle expansion of a home-based business?***

For example what is the process if a business starts out as no impact and they hire an employee or employees? Or if there is a shift from “low impact” to “home business” due to storage or other uses.

### ***What can be done to ensure enforcement of regulations after approval has been granted and a home business is in existence?***

How should the County ensure compliance of the home business regulations?

### ***What categories and procedures are appropriate for a temporary use?***

Example: Suppose someone’s business is in transition and they want to store equipment or products at their home until they can get a new business location?

### ***Non-Zoning/Non-regulatory approaches***

These approaches were suggested at meetings. It is not clear that they comply with the Sustainable growth management plan.

#### **◆ No regulations at all**

It was suggested that property owners could do whatever they want. Even if it is to open a toxic waste dump operated by the New Jersey mafia.

#### **Pros:**

- Most “freedom” for property owner.

#### **Cons:**

- Non-compliant with the SGMP
- Could have very negative impacts on neighbors or nearby community

#### **◆ Regulations based on the covenants**

It was suggested that the only regulation be covenants on property. No zoning or government regulations

#### **Pros:**

- Most “freedom” for developer. Lets developer do whatever they want

#### **Cons:**

- Non-compliant with the SGMP
- Could have very negative impacts on neighbors or nearby community

#### **◆ Regulations based on the “number of complaints”.**

It was suggested that the only regulation be based on “the number of complaints”. An implementation strategy is not clear.