



**ORDINANCE 370**

**WHEREAS,** The Village of Los Lunas is committed to facilitating Economic Development within the community; and

**WHEREAS,** The Village Council voted on May 13, 2010 to approve participation by the Village in the Live/Work New Mexico pilot program; and

**WHEREAS,** The Live/Work New Mexico pilot program seeks to facilitate and incentivize home based work as a means of growing the local economy; and

**WHEREAS,** It has been determined that the current Village of Los Lunas Home Occupation Ordinance can be modified to better facilitate home based business; and

**WHEREAS,** The Governing Body, after careful consideration of the matter, hereby finds and declares that it is in the best interest of the general welfare of the Village and its residents.

**NOW, THEREFORE, BE IT ORDAINED THAT SECTION 17.40 (TABLE OF PERMITTED USES), 1.600 (HOME OCCUPATIONS); SECTION 17.40.020 (USE OF DESIGNATIONS P,T,D,C IN TABLE OF PERMITTED USES; AND SECTION 17.44.170 (HOME OCCUPATIONS) OF THE VILLAGE OF LOS LUNAS MUNICIPAL CODE IS AMENDED AS FOLLOWS:**

**17.40 Table of Permitted Uses, 1.600 Home Occupations shall be amended as follows:**

TABLE 17.40 TABLE OF PERMISSIBLE USES													
		ZONES											
USES	DESCRIPTION	AR	RR	R1	R2	R3	MH	C1	C2	M1	SU	TOD-MU	TOD-R
1.600	HOME OCCUPATIONS	A	A	A	A	A	A					A	A

**17.40.020 Use of designations P, T, D, C in table of permissible uses shall be replaced in its entirety by the following:**

17.40.020 Use of designations P, T, D, C, A in table of permissible uses

When used in connection with a particular use in the table of permissible uses the letter “P” means that the use is permissible in the indicated zone. The letter “T” means a use is allowed as a temporary situation in the indicated zone. The letter “D” means a designated use permit must be obtained from the village council. The letter “C” means a conditional use permit must be obtained from the planning commission, and the letter “A” means the use is permitted as an

accessory use. Where a use is permitted as an accessory use, a conditional use may be required as specified by section 17.44 Supplementary Use Regulations.

**17.44.170 Home occupations shall be replaced in its entirety by the following:**

A. Where permitted in a district, whether a conditional use permit is required or not, home occupation uses shall meet the following requirements :

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation, and not more than six hundred square feet of an accessory building;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except for a sign as permitted by section 17.56.030 Sign permits;
4. There shall be no sales in connection with such home occupation that would disrupt the residential nature of the district;
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
6. No equipment or process shall be used in such home occupation that creates noise (see 9.08.06), vibration, glare, fumes, odors or electrical interference detectable to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage of the premises.
7. Only products made on the premises or incidental to the permitted home occupation may be sold on the premises.

B. Uses permitted as home occupations that do not require a conditional use permit:

1. Consultation office, to preclude physical treatment, of a physician, dentist, licensed massage therapist, or other similar licensed medical practitioner;
2. Office of a lawyer, legal assistant, psychologist, psychiatrist, accountant, business management, professional member associations, bookkeeper, researcher, auditor, broker, tax consultant, financial consultant, travel agent, appraiser, architect, landscape architect, interior designer, draftsman, engineer, urban planner, builder, contractor, designer, desktop publisher,

advertising professional, biologist, botanist, geologist, archeologist, paleontologist, secretarial and clerical services;

3. Office of a private investigator, body guard, personal trainer, nutritionist, clown to include magician entertainment, disc jockey;

4. Office of computer software and hardware consultant to include hardware repair, Web master, data processor, Internet entrepreneur;

5. Office of plumber, electrician, landscape services, locksmith, carpet cleaner, HVAC contractor, painter, janitorial services;

6. Shop of dressmaker, seamstress, tailor;

7. Office of salesperson, sales representative, real estate agent, insurance agent, caterer, event planner;

8. Studio of author, composer, artist, painter (fine art), sculptor, photographer;

9. Studio of music instructor, martial arts instructor, personal trainer, tutor;

10. Workshop for arts and crafts such as making of stained glass, ceramics, jewelry, lapidary work, rug weaving, floral work;

11. Workshop for making and repair of portable musical instruments, bicycle repair;

12. Office of telemarketing service, shuttle service, limousine service;

13. Occupations similar to those listed above.

C. Uses permitted as home occupations that require a conditional use permit:

1. Beauty salons, nail salons or barber shops;

2. Carpenter workshops.

3. Furniture repair workshops.

4. Wrought iron workshops.

5. Occupations similar to those listed above.

D. A home occupation shall not include the following uses:

1. Physical or medical treatment of persons or animals or animal hospitals;

2. Massage establishments, other than those employing massage therapists licensed by the state;
3. Plumber workshops;
5. Heating and air conditioning workshops;
6. Radio workshops;
7. Auto repairing or painting;
8. Contractors yards;
9. Scrap and salvage services;
10. Restaurants;
11. Cocktail lounges;
12. Rental outlets;
13. Equipment sales;
14. Adult oriented businesses;
15. Recycling centers;
16. Drop-off recycling collection facilities;
17. Businesses involving the repair of any type of internal combustion engine, including equipment repair services.
18. Occupations similar to those listed above.

**PASSED, APPROVED AND ADOPTED THIS 12<sup>TH</sup> DAY OF MAY 2011.**

**ROBERT VIALPANDO, MAYOR  
VILLAGE OF LOS LUNAS**

**ATTEST: PETER FERNANDEZ  
VILLAGE ADMINISTRATOR**

