

City of Nogales Development Standards Code
Article 1
Zoning Regulations
SEC. 324
HOME OCCUPATIONS

324.1 General Provisions

- (a) The intent of this section is to allow home occupations to exist only as long as they are not in violation of the terms of this section and do not alter the residential character of the neighborhood nor infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood and homes.
- (b) No person shall carry on a home occupation, business or permit such use to occur on property which he/she owns or is in lawful control, without first obtaining or insuring that there has been obtained a home occupancy permit for such use in the manner provided by this section.
- (c) Application for the permit shall be made jointly by the person wishing to conduct the use and the owner of the property, or his agent, on forms provided by the City. The required fee must be paid along with the application.
- (d) After approval and prior to the issuance of the home occupancy permit, the applicant shall provide proof that he has paid the City Business License.

324.2 Standards

The Building Inspector shall review the application and shall approve the permit if he finds that the proposed use does not violate the purpose of Section 324 and *that* all of the following conditions are met:

- 1. Signage according to the requirements of Ordinance No. O2014-09-001.
- 2. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
- 3. The building retains the characteristics of a residence and no more than twenty-five (25%) percent of the gross floor area is used for the business activity.
- 4. There is no outside storage of materials other than plant materials intended as landscaping.
- 5. There shall be no more than one employee who is not a family member who shall reside at the dwelling.
- 6. The use will not disrupt or modify the residential character of the neighborhood it is in.
- 7. The generation of noise, vibrations, odors, hear or glare detectable beyond any property line is prohibited.

8. No traffic shall be generated by such home occupation greater volumes than normally occurs in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street where allowed, and required yards on all sides shall not be used for parking.

324.3 Renewal and Permit Revocation

The home occupation permit shall be valid for a period of two (2) years. Renewal of the permit shall be accomplished in the same manner as an application for a new permit under the rules of this section. This permit may be revoked by the City Administrator at any time for:

- (a) A violation of any provision of this section.
- (b) A violation of any term or condition of the permit.
- (c) Failure to pay the City business license in a timely manner.
- (d) Failure to report and submit any taxes due the City for any quarter reporting period.
- (e) Failure to start the home occupation within six (6) months receiving the permit, and failure to perform the home occupation for a period of six (6) months or longer.
- (f) Performing any other occupation or business other than stated in the permit, or along with the permitted occupation

324.4 Short Term Sales Exempt

A permit shall not be required to conduct short term sales from a residence that do not exceed three (3) days in duration or ten (10) days total in a calendar year.

324.5 Validity of Permits

The provisions of this Code shall apply to all home occupations in the City including those in operation on the effective date of this Code. A permit in effect on the effective date of this Code shall be treated as if it was issued pursuant to this Code and the two (2) year term of validity shall run from the date of issuance.

324.6 Main Source of Income

If the Home Occupation provides the owner with a full-time livelihood, or the owner uses the Home Occupation as a full-time livelihood or his main source of income, the Home Occupation shall be constituted a business, and the owner shall procure an Occupational or Privilege License the case may be from the City; shall have any and all licenses and certificates as required by the State, and shall be located in a business zoned district.

324.7 Secondary Source of Income; Hobby

If the Home Occupation provides less than 50% of owner's main source of income, whether as a Hobby or secondary income source, then Section 324 through 324.5 shall apply. If the Home Occupation provides 50% or more of the main source of income for the home and said occupation is equivalent to those occupations listed in the Occupational License Ordinance, then the Home Occupation shall constitute a business and shall be located in a business zoning district and the necessary license procured.