

BERNALILLO COUNTY

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ZONING SECTION

HOME OCCUPATION

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In the unincorporated areas of Bernalillo County, people are allowed to operate certain types of commercial enterprises from their homes. These types of business activities are commonly referred to as “home occupations”. The Zoning Ordinance allows for one of two types of home occupations to be conducted from a residentially zoned property.

TYPE 1 – PERMISSIVE USE:

This type of home occupation is allowed to occur if:

- The business has a current Bernalillo County business registration.
- The business is clearly incidental and secondary to the use of the premises for a dwelling.
- The business has no exterior display (including signage).
- The business has no exterior storage of materials.
- The business does not emit nuisances (noise, odors, etc.).
- The business only employs members of the family who live in the dwelling.
- The business does not occupy more than 25% of the floor area of the dwelling or more than 600 square feet of an accessory building.

These types of home occupations may include medical transcription, telemarketing, Internet sales, or mail-order businesses.

TYPE 2 – CONDITIONAL USE:

By definition, a home occupation must be incidental and secondary to the residential activities occurring on the property (ref. Section 5, “Home Occupation”). The following limitations have been established as department policy for home occupations requiring conditional use approval to ensure that the “business component” taking place on the site remains less intense than the primary activities:

- Customers, patrons, or clients can come to the property no more than four (4) days each week
- Up to five (5) clients per day with no more than one (1) client per session;
- All clients must be on a by-appointment-only schedule.
- The business owner obtains conditional use approval from the Zoning Administrator to permit

- Clients, customers, patients, patrons or similar individuals or groups to come to the property; and/or
- Up to a single, additional employee to work on the site.
- All other standards of Type 1 home occupations are met.

These types of home occupations may include swimming lessons, counseling services, or a home office with up to one employee.

For businesses exceeding these limits, relocation of the activity to a commercially zoned property or securing of a Special Use Permit to operate from the site is required. However, be aware that other conditional use options may be available to the property owner, such as application for a “school” if swimming lessons, dance classes, or math tutoring is proposed for multiple clients at the same time

TO REQUEST HOME OCCUPATION APPROVAL

TYPE 1	TYPE 2
Obtain a business tax identification number from the State of New Mexico Taxation and Revenue Department	Submit conditional use application
Complete the Bernalillo County Business Registration application- Home Occupation Form	\$75.00 fee/ attend Zoning Administration Public Hearing
\$50.00 initial fee Or \$35.00 renewal fee	IF APPROVED: Meet all requirements of type 1 Home Occupation