

ORDINANCE NO. O2023-039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, UPDATING ZONING REGULATIONS RELATING TO PERMITTED HOME OCCUPATIONS WITHIN RESIDENTIAL ZONING DISTRICTS

WHEREAS, from time to time it may be desirable to modify the zoning code keeping within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on October 23, 2023 in Zoning Case No: ZONE-41786-2023 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on September 29, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the text amendment in Zoning Case No: ZONE-41786-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code, Title 15, Chapter 154, Section: 15.08, Home Occupations, Subsection B Performance Standards is amended to insert the following bolded text and delete the strike through text:

- (4) *Employees.* The number of employees involveds with a home occupation shall be limited to the residents of the principal dwelling unit on the site., **immediate family members, and up to two other individuals who are not residents of the site.**
- (5) *Hours of operation.* Clients shall only be received between the hours of 7:00 a.m. and 8:00 p.m.
- (6) *Clients.* The number of clients that can visit the residence is limited to ~~one~~ **two** clients per hour., ~~one at a time.~~

SECTION 2: Yuma City Code, Title 15, Chapter 154, Section: 15.08, Home Occupations, Subsection C, Uses Not Permitted, is amended to insert the following bolded text and delete the strike through text, and renumber accordingly:

(C) *Uses not permitted.* The following types of uses shall not be permitted as home occupations in all residential zoning districts:

- (1) Barber shop **and beauty salons with more than one client station within a dwelling;**
- ~~(2) Beauty parlor;~~
- (2) ~~(3)~~ Dance studios;
- (3) ~~(4)~~ Electrical repair shops; **which are not mobile;**
- (4) ~~(5)~~ Massage parlor services; **which are not mobile;**
- (5) ~~(6)~~ Motor vehicle repairing services; **which are not mobile;**
- ~~(7) Real estate or insurance office;~~
- (6) ~~(8)~~ Veterinary office **or animal grooming services; which are not mobile;**
- (7) **Animal kennels, boarding, or similar uses;**
- ~~(9) Engine repair;~~
- ~~(10) Furniture refinishing;~~
- ~~(11) Medical/cosmetic facilities for animals including animal care or boarding facilities;~~
- (8) ~~(12)~~ Machine shop/metal working; **which are not mobile;**
- (9) ~~(13)~~ Mortuaries;
- (10) ~~(14)~~ Taxi service with more than one vehicle;
- (11) ~~(15)~~ Commercial insecticide, fungicide, herbicide or rodenticide operators;
and
- (12) ~~(16)~~ Medical or Dental office;
- (13) **Medical office, not including telehealth;**
- (14) **Car Sales; and**
- (15) **Other uses as determined by the Zoning Administrator**

SECTION 3: Yuma City Code, Title 15, Chapter 154, Section: 15.08, Home Occupations, Subsection D, Limited Use Home Occupation, is amended to insert the following bolded text, delete the strike through text, and renumber accordingly:

- (1) *Merchandise parties.* Merchandise parties (~~i.e., Tupperware, Avon, Mary Kay and the like~~) held for the purpose of soliciting sales shall be limited to no more than one party per month on the site of the home occupation, **merchandise parties are not inclusive of yard sales;**
- (2) *Construction Contracting service.* Contracting services must, in addition to, the performance standards listed in division (B) above, comply with all of the following additional performance standards:
 - ~~(a) The contracting service is a sole ownership business;~~
 - ~~(b) The contracting service has no employees other than those living in the home;~~
 - (a) ~~(c)~~ There are no materials stored on the lot of the residence of the home occupation;
 - (b) ~~(d)~~ There are no more than 1 one and one-half-ton vehicle associated with the business, parked at the home; and

(c)(e)The home occupation can not serve as a headquarters or dispatch center, where employees come to be dispatched to other locations.

SECTION 4: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of the ordinance. Unless otherwise specifically provided for in this chapter, any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which such violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney