



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: AMELIA DOMBY**

Hearing Date October 23, 2023

Case Number: ZONE-41786-2023

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment of Title 15, Chapter 154, to update permitted Home Occupations.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to update the permitted Home Occupations.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-41786-2023 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to update the permitted Home Occupations.

Staff Analysis: The City of Yuma adopted the Home Occupation ordinance on July 7, 2010, as Ordinance O2010-32. The purpose of the Home Occupation ordinance is to permit and regulate the conduct of home occupations in a dwelling unit and ensure that home occupations do not have a negative impact on adjacent and nearby residential properties and uses.

The proposed text amendment would expand the permitted home occupations and increase employment opportunities within residential districts. Many people are making personal decisions to work from their residence instead of commuting to a physical place of employment and it is important to recognize these changes in today's workforce. This proposed text amendment would allow more residents of the community to use their residence as a place to enhance or fulfill personal economic goals, while maintaining the character and integrity of the residential neighborhood.

This text amendment also aligns the City of Yuma zoning code with the State of Arizona statutes for Home Occupations. Currently, the zoning code limits the number of employees to the residents of the principal dwelling unit on the site. State statute allows home-based businesses to employ residents of the primary dwelling, immediate family members, and up to two individuals who are not residents of the primary dwelling. In addition, state statute allows having more than one client on the property at one time.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes. The City of Yuma General Plan Land Use Chapter Goal 3.0 specifically addresses the need to create a community with an excellent quality of life with a targeted objective and policy that encourages promoting a multitude of employment opportunities.

Goal 3.0: Create a community with an excellent quality of life.

Objective 3.1: Provide opportunities in Yuma that exemplify a great community to live, work and play.

Policy 3.1.1: *The City shall maintain a balance of residential types, promote a multitude of employment opportunities, and provide easily accessible daily retail and service needs.*

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes. The amendment fits the overall purpose and intent of the zoning ordinance.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

Yes. This amendment will expand the permitted home-based businesses within residential districts.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

No. This proposed text amendment will not change the development standards of the zoning or subdivision ordinances.

5. What are the potential impacts of the proposed amendment?

There are no potential negative impacts identified with the proposed text amendment.

This proposed text amendment will support additional employment opportunities within residential districts.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes. This amendment supports City Council's past action adopting the Home Occupation zoning code.

Public Comments Received: None Received.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

No Conditions of Approval

Attachments:

A	B
Draft Text	Agency Notification

Prepared By: *Amelia Domby*

Date: September 28, 2023

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Reviewed By: *Jennifer L. Albers*

Date: 9/28/23

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville*

Date: October 12, 2023

Alyssa Linville
Director of Planning and Neighborhood Services

**ATTACHMENT A
DRAFT TEXT**

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Section: 15.08 Home Occupations, Subsection B Performance Standards be amended to insert the following bolded 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: That the Yuma City Code, Title 15, Chapter 154, Section: 15.08 Home Occupations, Subsection C Uses Not Permitted be 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: That the Yuma City Code, Title 15, Chapter 154, Section: 15.08 Home Occupations, Subsection D Limited Use Home Occupation be amended to insert the following bolded text and 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.

**ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS**

- Legal Ad Published: The Sun (09/29/23)
- 34 Commenting/Reviewing Agencies noticed: (09/07/23)
- Neighborhood Meeting: (N/A)
- Hearing Date: (10/23/23)
- Comments due: (09/18/23)

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	YES	09/11/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	YES	09/08/23	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
Greater Yuma Economic Development Corp.	YES	09/08/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	09/11/23	X		
Building Safety	YES	09/20/23	X		
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	09/14/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: NONE RECEIVED