




MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Board of Supervisors, All Districts

FROM: Arlan M. Colton, Planning Director 

DATE: April 24, 2013

SUBJECT: Co8-13-01 HOME OCCUPATION CODE AMENDMENT

The above referenced Zoning Code Text Amendment is scheduled for the Board of Supervisors' **MAY 7, 2013** hearing.

REQUEST: Zoning Code Text Amendment

OWNER: N/A

AGENT: N/A

STAFF CONTACT: Elva Pedregó

PUBLIC COMMENT TO DATE: To date staff has received no public comment on the proposed amendment.

THE PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL.

STAFF RECOMMENDATION: APPROVAL.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS): Not applicable.

CP/EP/ar
Attachments



Board of Supervisors Memorandum

Subject: Co8-13-01

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FOR MAY 7, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director *AMC*
Public Works-Development Services Department-Planning Division

DATE: April 24, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

ZONING CODE TEXT AMENDMENT

Co8-13-01 HOME OCCUPATION CODE AMENDMENT

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO ZONING (TITLE 18); AMENDING THE PIMA COUNTY CODE BY AMENDING CHAPTER 18.09 (GENERAL RESIDENTIAL AND RURAL PROVISIONS), SECTION 18.09.030 (HOME OCCUPATIONS) TO ALLOW HOME BAKED AND CONFECTIONARY GOODS. On motion, the Planning and Zoning Commission voted 8-0. (Commissioners Cook and Smith were not present at this time) to recommend **APPROVAL**. Staff recommends **APPROVAL**.
(ALL DISTRICTS)

Planning and Zoning Commission Public Hearing Summary (March 27, 2013)

Staff presented information pertaining to the general character and history of the request and explained the proposed changes to each section of the zoning code. Staff recommended **APPROVAL** of the text changes.

A commissioner asked for clarification; this ordinance would only allow someone to prepare these goods in their home, not sell them from home. Normally they would prepare the items and sell them somewhere else.

Staff responded that the commissioner was correct. One still cannot display the inventory at the site. It is permission to bake and then sell them someplace else, i.e. a farmer's market or a store.

A commissioner asked if this ordinance addressed the public's expressed concerns voiced at a previous commission hearing.

Staff responded by saying that they had been addressed. Staff had met with Donna Heidenger of the Magee-La Canada Neighborhood Association who asked if she should write a letter of support. Staff's understanding is that she supports the amendment but didn't get around to writing the letter. This amendment addresses her concerns of cooking odors/aromas. For example if someone had some type of catering company, you could be subjected to smelling barbeque all day or other similar smells. With these types of very limited home baked goods, one wouldn't be subject to those smells. These types of aromas were not what she had in mind when she talked about odor suppressants. She also understood that this ordinance is aligned with state statutes.

The commissioner then asked if the question about ancillary structures discussed in the original home occupation proposal was also dealt with in this ordinance.

Staff responded that those issues were still on the table and would be addressed in the next Home Occupation text amendment that will be before the commission once again in about a month or two.

Having no public present to speak on the item, the public hearing was closed.

It was moved by Commissioner Matter and seconded by Commissioner Holdridge to **APPROVE** the proposed text amended as recommended by staff.

The motion **PASSED** 8-0. (Commissioners Cook and Smith were not present at this time).

CP/EP/ar
Attachments

c: Chris Poirier, Assistant Planning Director
Co8-13-01 File

18.09.030 - Home occupations.

- A. General Standards. Home occupations are permitted so long as they meet the following standards:
1. A home occupation permit is required to be obtained from the chief zoning inspector:
 - a. The home occupation permit shall apply only to a full time occupant of the dwelling.
 - b. If there is a change in use, a new home occupation permit shall be required.
 2. The home occupation must be conducted within a dwelling or an accessory building of not more than two hundred square feet.
 3. There shall be no public display of stock-in-trade upon the premises.
 4. Not more than one nonresident of the premises is employed.
 5. Not more than one-fourth of the floor area of one story of the main dwelling or an accessory building of not more than two hundred square feet in area shall be used for the home occupation.
 6. No equipment or material associated with the home occupation shall be stored outdoors.
 7. The residential character of the dwelling, and subject property shall not be changed by said use.
 8. Such occupation shall not cause any sustained, unpleasant, or unusual noises or vibrations, or noxious fumes or odors, or cause any traffic congestions in the immediate neighborhood.
 9. All parking used in conjunction with the home occupation shall be on site and shall not include commercial parking features such as wheel stops, parking lanes or striping.
 10. No more than one vehicle shall be used in conjunction with the home occupation. This vehicle shall not exceed eighteen feet in overall length and seven feet in overall height and must be parked on the private property. If the vehicle displays any advertising or other indication of the home occupation or any product or service, it shall be stored in a carport or garage, or shielded from view from any adjoining properties and the street by landscaping, fencing or any other suitable material.
 11. Home occupations shall not provide overnight accommodations.
 12. Home occupations shall serve no more than five clients in one day and no more than two clients at any one time.
 13. The maximum sign area permitted shall not exceed two square feet. The maximum height of any ground sign shall be four feet.
 14. The following uses shall not be permitted as home occupations:
 - a. Auto repair and service.
 - b. Veterinarian service, kennels, and pet grooming.
 - c. Commercial food preparation.
 - d. Mortuary or embalming service.
 - e. Tattoo parlor.
 - f. Welding service.
 - g. Any commercial use not customarily associated with home occupations as a secondary use.

CURRENT HOME OCCUPATION
REGULATION

ORDINANCE 2013- ____

AN ORDINANCE OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO ZONING (TITLE 18); AMENDING THE PIMA COUNTY CODE BY AMENDING CHAPTER 18.09 (GENERAL RESIDENTIAL AND RURAL PROVISIONS), SECTION 18.09.030 (HOME OCCUPATIONS) TO ALLOW HOME BAKED AND CONFECTIONARY GOODS (ALL DISTRICTS).

WHEREAS, the Board of Supervisors, at their February 5, 2013 meeting, initiated and made a recommendation for these amendments to the Pima County Zoning Code;

WHEREAS, this ordinance does not create new restrictions on the use of property, and this ordinance is not intended to, nor should it be construed to reduce any existing rights to use, divide, sell or possess private real property.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY AS FOLLOWS:

SECTION 1. Chapter 18.09 of the Pima County Code is amended by amending Section 18.09.030 (Home Occupations) as follows:

18.09

GENERAL RESIDENTIAL AND RURAL ZONING PROVISIONS

...

18.09.030 Home Occupations.

A. General standards. Home occupations are permitted ~~so long as they meet~~
subject to the following standards:

. . .

14. The following uses shall not be permitted as home occupations:

- a. Auto repair and service.
- b. Veterinarian service, kennels, and pet grooming.
- c. Commercial food preparation, except that home baked and confectionary goods may be permitted.
- d. Mortuary or embalming service.
- e. Tattoo parlor.
- f. Welding service.
- g. Any commercial

. . . .

SECTION 2. This ordinance is effective 31 days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona,
this _____ day of _____, 2013.

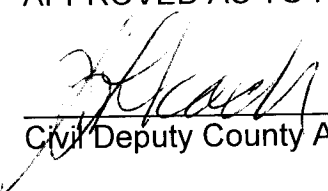
Chairman, Board of Supervisors

ATTEST:

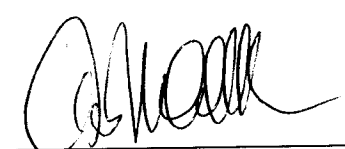
Clerk, Board of Supervisors

Date: _____

APPROVED AS TO FORM



Civil Deputy County Attorney



Executive Secretary, Pima County
Planning and Zoning Commission

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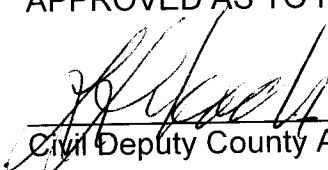
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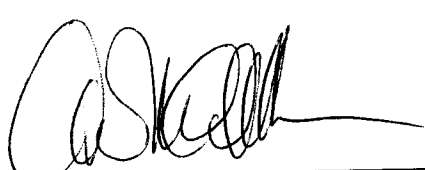
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Date: _____

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Civil Deputy County Attorney



Executive Secretary, Pima County
Planning and Zoning Commission