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**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 03/22/2022  
Agenda Item: 9**

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**ACTION:** Request for code text amendment to the ZONING AND DEVELOPMENT CODE, consisting of modifications to the Home Occupation allowed uses and definitions for Beauty Salons and Barber Shops. The applicant is the City of Tempe.

**FISCAL IMPACT:** This ordinance change does not directly impact revenue.

**RECOMMENDATION:** Approve subject to conditions.

**BACKGROUND INFORMATION:** ZONING AND DEVELOPMENT CODE (PL200216) The current Zoning and Development Code was adopted and implemented in 2005. During 2020, the pandemic has required many employees to work from home. In some cases, employees were out of work due to business closures; the nature of their service industries could not operate from home. Barber Shops and Beauty Salons were closed due to the close proximity of staff to customers, which resulted in several calls to staff inquiring about working from home to provide hair services to clients. One caller sought to pursue the opportunity to legally work from home, resulting in this request. The Development Review Commission heard this code text amendment on November 12, 2020 and recommended approval to City Council. On December 3, 2020, City Council held a public hearing and decided to adopt a resolution authorizing a temporary pilot program to allow home based businesses for barber shops and beauty salons in the City of Tempe for one year. (Resolution No. R2020.164). Since then, City Council has directed staff that this change be incorporated as a code text amendment. This request includes the following:

ZOA200003 Code Text Amendment within the Zoning and Development Code, amending Part 3 Chapter 4 Section 3-412 Home Occupation and Part 7 Chapter 1 Section 7-103 - "B" Definitions.

**ATTACHMENTS:** Ordinance, Project File

**STAFF CONTACT(S):** Diana Kaminski, Senior Planner (480) 858-2391

Department Director: Shelly Seyler, Interim Community Development Director

Legal review by: N/A

Prepared by: Diana Kaminski, Senior Planner

Reviewed by: Suparna Dasgupta, Principal Planner

## COMMENTS:

This request is for code text amendments to the Home Occupation section of the Zoning Code to allow Barber Shops and Beauty Salons as a home business in residential districts. The amendment also includes definitions for these uses.

ZOA200003 Code Text Amendment within the Zoning and Development Code, amending Part 3 Chapter 4 Section 3-412 Home Occupation and Part 7 Chapter 1 Section 7-103 - "B" Definitions.

Staff is requesting the Development Review Commission provide recommendations to City Council for this code text amendment.

## SUMMARY EXPLANATION OF CHANGES:

### PUBLIC INPUT

- A neighborhood meeting is not required for code text amendments.
- September 2, 2020 the Tempe Neighborhood Advisory Commission reviewed the proposed text amendment for Home Occupations and voted nine to two in support of the code text amendment with recommended changes to the proposed code. Issues raised by the commissioners:
  - Signage (covered by the existing code and limited to one square foot sign at the door)
  - Competition from existing established salons
  - Side entrance for salon (would look like a side door to home)
  - Precedence of this use after Covid (this code change would allow the use by right for any residence)
  - Parking for customers waiting (must be on site, not on street)
  - Number of chairs/customers allowed on site at one time.

The Commission recommended allowing two stylist chairs on site. Minutes from the meeting are included in the attachments.

- Neighborhood meeting was held on February 24, 2022 from 5:30 to 6pm, three members of the public attended, one currently utilizing the pilot program for a home salon, one interested in starting a home salon, and one who is a customer of the one using the pilot program.
- A survey was conducted resulting in 31 visitors to the online survey with 18 responses:
  - 9 registered responses and 9 unregistered responses.
  - 56% of respondents said they know of a home barber shop or salon in their neighborhood.
  - 86.9% of the respondents said they have no concerns regarding a neighbor operating a home barber shop or salon in their neighborhood.
  - When asked if they had used these services, 22.2% said yes in their own neighborhood, 55.6% said yes but in another neighborhood (requiring a vehicle or transit to get there), and 22.2% said yes in a commercial space.
  - When asked if they had these in their neighborhood would they use their services, 55.6% said yes.
  - When asked if they supported the proposed code change to allow barber shops and beauty salons as home occupations 86.9% said yes.
  - For future consideration, 77.8% said they would support other home occupations being added to the list in the Zoning Code Appendix.
- Upon completion of this report there have been no calls of inquiry or concern regarding this request.

## STAFF ANALYSIS

Barber Shops and Beauty Salons have been traditionally prohibited from home occupation lists in zoning codes. The American Planning Association issued a report in September of 1953 discussing this specific topic. At the time, only four cities identified nation-wide allowed these uses as home occupations and many specifically prohibited the uses. Staff could not find subsequent reports to identify how codes may have changed for this industry. Staff evaluated current zoning codes for twelve municipalities within Arizona, which would fall under the State Cosmetology Board licensing for professionals. Of

the cities interviewed, seven prohibit Barber Shops and Beauty Salons from operating as a home business and five have provisions for allowing the uses by right or through a license or use permit process. These five include Buckeye, Flagstaff, Glendale, Mesa and Queen Creek. The majority of cities limit the use to one chair and one client on site at a time, some restricting the total number of customers per day. All cities require parking to be on site, not on street, and the largest concern mentioned was increased traffic within neighborhoods. Some regulate the size of the area allowed for home businesses, and whether they can have outside employees and signage. A chart comparing the cities responses and the zoning codes found on line are provided in the attachments of the report. The largest issue identified by planners in other municipalities was a concern for increased traffic and parking in neighborhoods.

In a mixed-use development (commercial and residential), all uses would be added up and parking provided based on the ratios for each use, with the allowance of shared parking to provide some level of reduction to the required parking. As a home occupation, the resident would be the employee, so this portion of the parking requirement is met with the residential parking. Single-family residential parking varies based on the zoning code at the time the home was built and does not account for the number of bedrooms the way a multi-family property would. For a large number of properties in Tempe, the homes built prior to 1970 have single-car carports or garages. For newer homes, they are required to have two parking spaces, regardless of the number of bedrooms. Typically, a single-family home would have a 2-car drive way that serves for guest parking, and possibly room for one or two vehicles on the street in front of a traditional size lot. For the newer townhome products, there may be a two-car garage, no driveway and no on-street parking. For multi-family developments, there is a parking ratio for each unit based on the number of bedrooms and .2 parking spaces per unit for guests visiting the site. It is assumed that customers would also use these guest spaces on site. A barber or salon chair typically occupies 150 to 200 s.f. which would require one parking space, although both employee and customer occupy this space. In a commercial building, the parking would be based on the total square footage of the shop or salon, calculated at 1 parking space per 300 s.f. and are usually shared with other tenant suites with shared parking for customers, assuming customers visit multiple suites within a shopping center. As a home occupation, this would be a destination requiring drivers to park at the business. For certain neighborhoods, parking on street is in such high demand they have permit parking for residents. In smaller lot areas, the street front may only accommodate one or two vehicles in front of a house, without blocking a driveway or fire hydrant, or parking in front of someone else's home. For certain properties, on street parking is prohibited due to the nature of the street. The current list of twenty home-occupations does not include uses with customers coming to the site, nor are parking studies or use permits required for these uses. The addition of group homes, vacation rentals, and residences with large numbers of drivers has compounded the parking demand in many areas of Tempe. The combination of uses within a neighborhood such as vacation rentals, group homes and home businesses, could limit available on-street parking for residents who have multiple vehicles or guests. These are all considerations that could influence whether the addition of a barber shop or beauty salon would impact a neighborhood.

Compatibility of the proposed use was considered for Barber Shops and Beauty Salons in the context of residential zoning districts.

1. A residence with two customer barber or beauty booth and employee who lives on site, would generate traffic similar to a guest visiting a resident in their home and would not generate significant traffic. The Neighborhood Advisory Commission's recommendation to allow a second station could require parking for more vehicles beyond that of the homeowner and residents. The existing one customer and one vehicle on site regulation would potentially shift parking to on-street. For this reason we are still limiting the number of vehicle parking, and allow the two client stations in the dwelling based on the Neighborhood Advisory Commission recommendation and direction of City Council to allow two chairs for a barber shop or beauty salon,.
2. Single-family homes have ventilation systems in bathrooms and kitchens as well as through central air handling systems which vent to the roof or yard. The cosmetology board requires a sink within 6' of the customer chair; all product would be disposed of in the sink. The business of hair and nail services includes chemicals which may produce odor, but the use would be contained within the home. Allowance of a hair salon with an individual customer would not create nuisances exceeding the level of a normal residence and would not affect the surrounding area. Addition of multiple salon chairs could intensify the use and result in a more frequent chemical use that could create emissions noticeable to adjacent residents.

3. Home Occupations can provide numerous benefits for both home-based workers and the community. Home-based businesses provide useful services and encourage business growth by eliminating the initial need for some small businesses to rent commercial space, an important factor to someone who is just starting a new venture. Working at home also saves commuting and childcare costs and may reduce traffic congestion. By creating activity in residential neighborhoods that might otherwise be deserted during the day, home occupations help to reduce crime by providing eyes on the street and an awareness of what is happening in the area. The following land use objectives would be met by allowing barber shops and beauty salons in residential districts.
  - LU2 Promote land use patterns that encourage long-term sustainability by ensuring mixed use developments with a mix of land uses (commercial and residential), sites with existing infrastructure capacity and street connectivity, convenient to neighborhoods.
  - LU3 Seek balance and compatibility of new land use development with established residential neighborhoods by providing needed local services and housing on a neighborhood scale, focusing on balanced and efficient use of the land and supporting community-serving services and facilities within walking distance.
  - LU4 Encourage a balanced community with a diversity of uses and employment opportunities by providing a balanced job/housing ratio.
  - LU9 Promote neighborhood enhancement and livability by ensuring that reinvestment in the community's cultural resource areas is reflective of the character of each area. Support placement of new commercial and commercial revitalization that enhances vitality and livability at neighborhood and community hubs.
  
4. Home occupations are contained within the primary residence and should not be visible from the exterior of the home. The home occupation will not result in any structural alterations or additions to a building that will change its primary use or building code occupancy classification. Products, inventory and or equipment produced or used by the home occupation shall not be displayed or visible from outside any building. They must have no offensive noise, vibrations, smoke, dust, odors, heat or glare. On-site storage and use of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited. Most home occupations do not have customers coming to the site, and therefore do not rely on signage at their residence for their business. However, specific sign types are allowed in residential districts that would be applicable to home occupations. Signs that are within residential districts are limited for the home occupation to one square foot static non-illuminated building mounted sign (sign type B) with no changeable copy, digital or motorized/moving parts or animation. This would be the same allowance for any home owner, unless further restricted by Home Owner Associations. The home occupation, per the Code, must be conducted in a manner as not to give an outward appearance of a business.
  
5. Home occupations have not been identified as having behavior issues, on the contrary, having people working from home provides more natural surveillance and activity within an area to enhance security along the street front. The nail or hair service business would be inside the home, and parking would be on site. Barbers and beauticians are licensed and held accountable for inspections and board regulations as professionals. As the primary residence of the employee, the incentive to control behavior is that their home and neighborhood that they live in and work in are impacted by what happens during their business operations. With limitations one of no more than two customer on site at a time, it is not anticipated that there would be nuisances from this use.

**REASONS FOR APPROVAL:**

Based on the information and analysis prepared, staff recommends approval of the code text amendment ordinance to allow barber shops and beauty salons to operate under the current home occupation provisions.

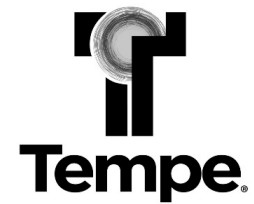
**HISTORY & FACTS:**

- |                   |   |
|-------------------|---|
| January 20, 2005  | City Council adopted the Zoning and Development Code, a new Zoning Ordinance 2003.36 and repealing Zoning Ordinance 808, which had been in effect since this date.                  |
| September 2, 2020 | Tempe Neighborhood Advisory Commission reviewed the proposed text amendment for Home Occupations and made recommended changes to the proposed code. (see attached memo and minutes) |

October 27, 2020	Development Review Commission heard the request and recommended approval of the code text change to Council.
November 12, 2020	City Council held an introduction and first public hearing for code text amendment to the ZONING AND DEVELOPMENT CODE, consisting of modifications to the Home Occupation allowed uses and definitions for Beauty Salons and Barber Shops. At this hearing, Council directed staff to initiate a pilot program to test the concept and return for the final hearing with a Resolution for the pilot program.
December 3, 2020	City Council held a public hearing to Adopt a Resolution authorizing a temporary pilot program to allow home based businesses for barber shops and beauty salons in the City of Tempe for one year. (Resolution No. R2020.164)
December 21, 2021	Neighborhood Advisory Commission received an update from staff and provided feedback after one year of the pilot program. The commission was supportive of making the pilot program a permanent change to allow barber shops and beauty salons to be home occupations (see attached minutes).
February 24, 2022	Community Development staff held a neighborhood meeting to evaluate the results of the past year's pilot program.
March 22, 2022	Development Review Commission is scheduled to hear a request for a code text amendment for home occupations in the Zoning and Development Code.
April 28, 2022	City Council is scheduled to introduce and hold a first public hearing for a code text amendment to the ZONING AND DEVELOPMENT CODE, consisting of modifications to the Home Occupation allowed uses and definitions for Beauty Salons and Barber Shops.
May 26, 2022	City Council is scheduled for a second and final public hearing for this Ordinance to amend the zoning code.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

6-304 Zoning Map Amendments (including Overlay Districts) and Code Text Amendments



**DEVELOPMENT PROJECT FILE**  
for  
**HOME OCCUPATION CODE TEXT AMENDMENT**  
**(PL200216)**

**ATTACHMENTS:**

1-6. ORDINANCE

8-10. ONLINE SURVEY RESULTS

11-18. NEIGHBORHOOD ADVISORY COMMISSION MEMORANDUM

19-24. NEIGHBORHOOD ADVISORY COMMISSION MINUTES

25-29. ZONING CODE RESEARCH OF HOME OCCUPATIONS FOR BEAUTY  
SALON AND BARBER SHOP AS A HOME BUSINESS

ORDINANCE NO. 2022.XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE,  
ARIZONA, AMENDING PART 3 CHAPTER 4 SECTION 3-412 HOME  
OCCUPATION AND PART 7 CHAPTER 1 SECTION 7-103 - "B"  
DEFINITIONS AND APPENDIX N.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

The following sections of the Zoning and Development Code are being amended to allow barber shops and beauty salons as home occupations.

**SECTION 1.** That Section 3-412 of the Zoning and Development Code, pertaining to Home Occupation in Residential districts, and is hereby amended to read as follows:

Section 3-412 - Home Occupation.

- A. **Purpose.** *Home occupation* allows small commercial ventures for which the leasing of commercial quarters is not cost effective and which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence.
- B. **Applicability.** *Home occupations* are permitted in all residential *dwelling*s as an *accessory use* (see Section 7-102 for definition), subject to any of the following standards indicated to protect the residential character of Tempe's neighborhoods. Deviation from any provision noted below shall be considered a violation of this Code.
  1. Appearance of Residence.
    - a. The *home occupation* shall be restricted to lawfully-built enclosed *buildings* and be conducted in such a manner as not to give an outward appearance of a business.
    - b. The *home occupation* shall not result in any structural *alterations* or additions to a *building* that will change its primary use or building code occupancy classification.
    - c. The *home occupation* shall not violate any conditions of *development* approval (i.e., prior development permit approval).
    - d. Products and or equipment produced or used by the *home occupation* shall not be displayed or visible from outside any *building*.
    - e. No offensive noise, vibrations, smoke, dust, odors, heat or glare shall be produced.
  2. Storage.
    - a. On-site storage and use of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
    - b. Inventory, products, equipment, fixtures, and activities associated with the *home occupation* shall be allowed in any *building*, provided that the *building* conforms to the provisions under Section 3-412(B)(1).

3. Employees.
  - a. A *home occupation* shall have no more than three (3) individuals working within a residence for the purpose of the business.
  - b. No more than one (1) person, who is not a *family* member residing within the *dwelling* located on the *home occupation* site, may be permitted to work for the benefit of the *home occupation*.
  - c. Additional individuals may be employed by or associated with the *home occupation*, so long as they do not report to work or pick up/deliver at the home.
  - d. The *home occupation* site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
4. Signs. *Home occupations* shall comply with Section 4-903.
5. Vehicles, Parking and Traffic.
  - a. Vehicles associated with the *home occupation* must comply with TCC Section 21-4.
  - b. There shall be no more than three (3) commercial vehicle deliveries to or from the *home occupation* site daily. There shall be no commercial vehicle deliveries during the hours of 8:00 p.m. to 7:00 a.m.
  - c. There shall be no more than one (1) client or customer vehicle on the premises at any one (1) time and the activity shall not generate traffic beyond that normal in its district.
  - d. BARBER SHOPS AND BEAUTY SALONS ARE ALLOWED UP TO TWO CUSTOMER STATIONS WITHIN THE DWELLING.
6. Business Hours. Clients or customers are permitted at the *home occupation* from 7:00 a.m. to 8:00 p.m. only. Additional hours of operation for such use shall require the approval of a *use permit*.
7. Prohibited Uses. A *home occupation* shall not include the sale of commodities on premises nor the following: clubs, ~~barber shops, beauty parlors~~, commercial stables, veterinary *offices*, *hospitals*, *hotels*, *motels*, *kennels*, *restaurants*, *motor vehicle* repairing, massage parlors, and any use that does not conform to the provisions in Section 3-412.

(Ord. No. 2006.82, 1-4-2007; Ord. No. 2005.47, 8-18-2005; Ord. No. [O2016.64](#), 1-12-2017)

**SECTION 2.** That Section 7-103 – “B” Definitions of the Zoning and Development Code, pertaining to defined uses for Barber Shop and Beauty Shop, and is hereby amended to read as follows:

*Bar* means an establishment, including, but not limited to, a cocktail lounge, discotheque, night club or tavern, the main use of which is to serve spirituous liquors for on-site consumption. Such a facility may serve food, provide dancing and entertainment as well as operate equipment commonly found in a video or live arcade, as an accessory use (s) to the bar. See also, "pub."

BARBERSHOP MEANS A PLACE, ESTABLISHMENT, OR PREMISES OR PART OF A PREMISES WHERE A PERSON PERFORMS AS A BARBER WHO SHAVES OR TRIMS THE BEARD OF A PERSON; CUTS, TRIMS, SHAMPOOS, RELAXES, CURLS, PERMANENTLY WAVES, DRESSES,



TINTS, BLEACHES, COLORS, ARRANGES, OR STYLES HUMAN HAIR; MESSAGES THE FACE OR HEAD OF A PERSON, EXCLUDING THERAPEUTIC MASSAGE OR MANIPULATIONS.

BEAUTY SALON MEANS A PLACE, ESTABLISHMENT, OR PREMISES WHERE A PERSON ENGAGES IN ANY OF THE OCCUPATIONS OF COSMETOLOGY INCLUDING AESTHETICIAN, BEAUTICIAN OR COSMETOLOGIST WITH ANY OF THE FOLLOWING PRACTICES:

(A) MASSAGING, CLEANSING, STIMULATING, MANIPULATING, EXERCISING, BEAUTIFYING OR APPLYING OILS, CREAMS, ANTISEPTICS, CLAYS, LOTIONS OR OTHER PREPARATIONS, EITHER BY HAND OR BY MECHANICAL OR ELECTRICAL APPLIANCES, EXCLUDING THERAPEUTIC MASSAGE OR CHIROPRACTIC MANIPULATIONS.

(B) MAKEUP APPLICATION, EXCLUDING PERMANENT TATTOO MAKEUP

(C) EYEBROW AND EYELASH TREATMENT INCLUDING: ARCHING OR TINTING EYEBROWS AND EYELASHES OR APPLYING EYELASH EXTENSIONS.

(C) HAIR REMOVAL INCLUDING: WAXING, CHEMICALS, ELECTROLYSIS OR THREADING.

(D) HAIRSTYLING INCLUDING: ARRANGING, CUTTING, DRESSING, CURLING, WAVING, CLEANSING, SINGEING, STRAIGHTENING, BLEACHING, COLORING, OR SIMILAR WORK UPON HUMAN HAIR

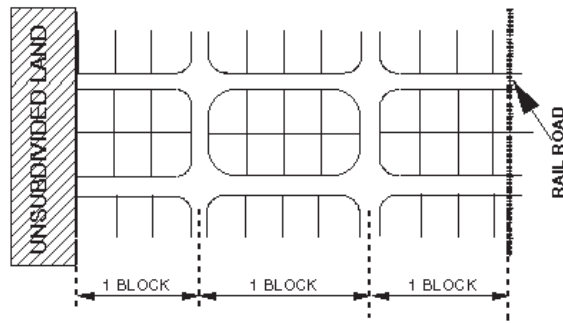
(D) NAIL TECHNOLOGY INCLUDING: CUTTING, TRIMMING, POLISHING, COLORING, TINTING, CLEANSING OR OTHERWISE TREATING A PERSON'S NAILS OR APPLYING ARTIFICIAL NAILS. MASSAGING HANDS, ARMS, LEGS OR FEET AS PART OF A MANICURE OR PEDICURE BUT NOT FOR THERAPEUTIC PURPOSES.

*Bed and breakfast* means a use providing lodging and meals for guests in not more than five (5) bed rooms on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. The use is operated as a commercial enterprise, provides direct bookings from the public, and includes inns that operate restaurants offering meals to overnight guests.

*Billiards hall* means an establishment containing four (4) or more billiard tables and which may indulge in the sale of alcoholic beverages, as well as the operation of equipment commonly found in a video arcade.

*Block* means that property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided land, or waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

Figure 7-103 A.



*Boarding room* means a room within a single-family residence, which is designed or intended to be used by paying guests of the occupants of the single-family residence.

*Building* means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

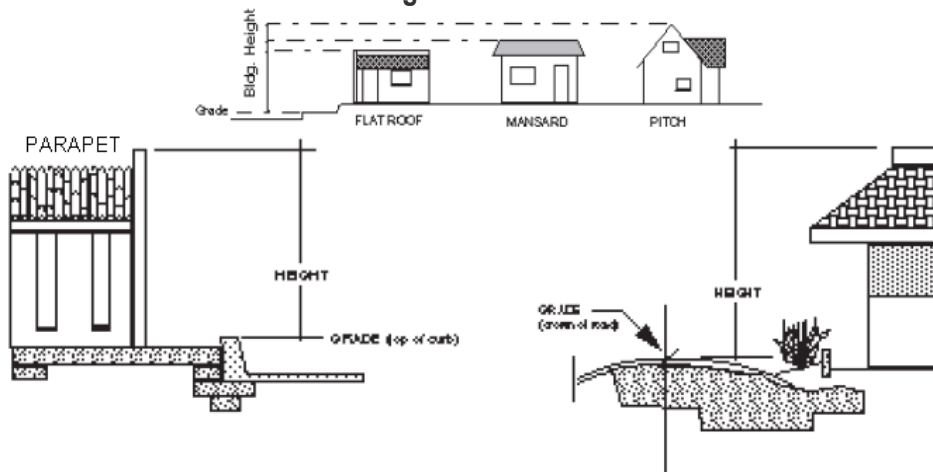
*Building addition* means any extension or increase in floor area or height of a structure.

*Building, attached* means a building with an internally accessible connection through an enclosed air conditioned space, or a building with an integral roof structure which utilizes the main buildings wall to enclose the space of the attached building.

*Building, enclosed* means a structure completely enclosed by a roof and walls of approved construction.

*Building height* means the vertical distance measured from *grade* (as defined herein) to the highest point of the roof, including any parapet.

Figure 7-103 B.



*Building official* means the person designated by the City of Tempe's Community Development Director, or designee, who is charged with the administration and enforcement of the building codes, as adopted and amended by the City of Tempe, or the building official's authorized representative.

*Building, main (also referred to as the primary building)* means a building where the principal use of the lot is conducted. In any residential district, any dwelling shall be the main building of the lot; except where an accessory dwelling exists, only one (1) dwelling, the primary dwelling, shall be deemed the main building.

*Business frontage* means the main entrance frontage of the building or tenant space. For businesses with the main entrance at the building corner, business frontage shall be the longer of the two (2) façades adjacent to the main entrance. When a business has a façade adjacent to a public street, other than the main entrance, that façade(s) shall also be considered business frontage.

(Ord. No. 2005.50, 8-18-2005; Ord. No. 2009.15, 10-22-2009)

**SECTION 3.** That Appendix N of the Zoning and Development Code, pertaining to Home Occupation in Residential districts, and is hereby amended to read as follows:

**APPENDIX N. - HOME OCCUPATIONS**

Below is a list of common permitted home occupations found in the City of Tempe. The home occupation uses identified below does not indicate that such use is allowed by right. All uses must comply with the special standards or limitations per Section 3-412.

1. Administrative assistance
2. Arts and crafts
3. Bakery
4. BARBER SHOP
5. BEAUTY SALON
6. Candle-maker
7. Catering
8. Computer repair
9. Dog training (off-site)
10. General services (off-site)
11. Graphic design
12. Handyman
13. Interior design
14. Internet sales
15. Locksmith service
16. Mail order
17. Office work
18. Photographer
19. Real estate (off-site)
20. Security alarms
21. Software consulting
22. Video production

**PASSED AND ADOPTED** BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_\_\_ day of \_\_\_\_\_, 2022.

Corey D. Woods, Mayor

ATTEST:

\_\_\_\_\_  
Carla R. Reece, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Judith R. Baumann, City Attorney

# Home Based Business Code Amendment Salons and Barber Shops

Public Input Summary – Feb. 10-March 3, 2022



## I. OVERVIEW

Feedback was collected on a proposed amendment to the Zoning and Development Code that would remove the prohibition of barber shops and beauty salons in Section 3-412 of Tempe's Zoning and Development Code, for home based occupations and make it easier for people living in single family homes to work from their residence.

Last year, the Tempe City Council approved a pilot program to allow barber shops and hair salons to operate up to two stations from a residence. On Jan. 14, the Council extended that pilot program in order to hear from the community how that program is working for neighbors and hair salons alike. The proposed code change would make the pilot program permanent.

The proposed code change was discussed at the Dec. 1, 2021 meeting of the Neighborhood Advisory Commission. The Commission voted to support extending the pilot program permanently.

A virtual public meeting was held on Feb. 24, 2022 with 3 attendees. The survey to provide feedback on the proposed code change was posted online from Feb. 10 - March 3, 2022 on Tempe Forum. A total of 18 survey responses were received.

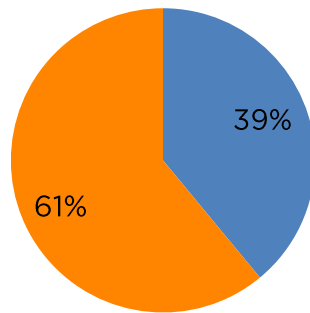
## II. OUTREACH

Various communication and engagement techniques were used to gather input on the proposed code change.

- Postcard notification to attend the public meeting and to comment online was mailed to addresses near locations of barber shops and salons opened during the pilot program and emailed to area associations
- Information was posted on social media and sent via the city's enews
- Emails were sent to neighborhood and homeowners' association contacts
- The topic was posted online from Feb. 10 - March 3, 2022 on Tempe Forum

### III. SURVEY RESPONSES

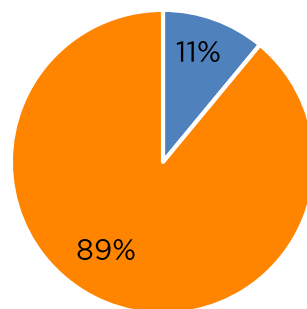
1. Do you know of a Barber Shop or Beauty Salon in your neighborhood?



■ Yes (7) ■ No (11)

Responses: 18

2. Do you have any concerns regarding a neighbor operating a barber shop or beauty salon in your neighborhood? (list potential issues for consideration)



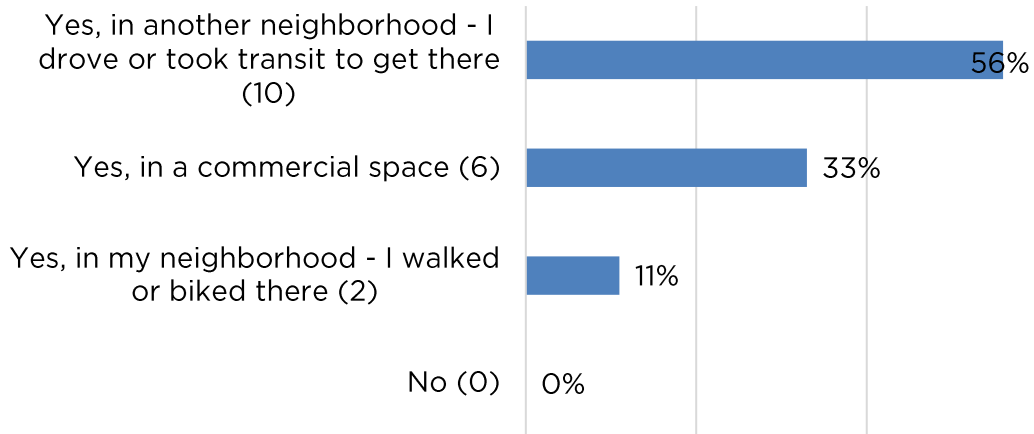
■ Yes (2) ■ No (16)

Responses: 18

**If yes, what are your concerns?**

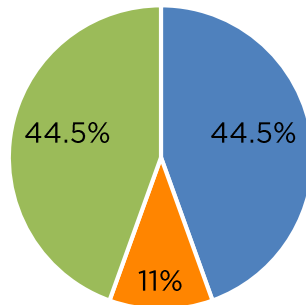
1. My neighborhood- single homes - already has a lot of renters with multiple cars. Concern is about more cars parked in streets and residential becoming a commercial property with increased traffic and decreased security.
2. That there isn't really a way to enforce the constraints; it will always be iffy to prove that the business is not following the requirements. So even if the business is not following the rules, there will be no way to prove it and the neighborhood will be stuck with the annoyance. (by the way, this happens all the time with the 3-unrelated-persons in a single family rental ordinance; the city constantly tells us that there is no way to prove it even though there are an unreasonable number of vehicles parked in front of or on the property the majority of the time)

3. Have you used a Barber Shop or Beauty Salon:



Responses: 18

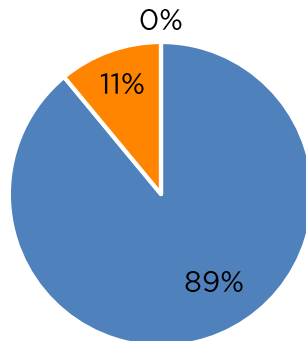
4. If you had a Barbershop or Beauty Salon in your neighborhood, would you use it?



■ Yes (8) ■ No (2) ■ Not sure (8)

Responses: 18

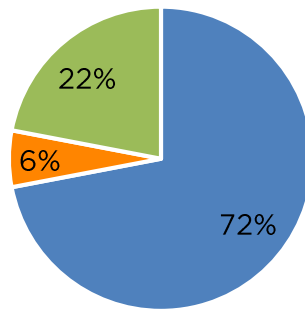
5. Do you support the proposed draft ordinance?



■ Yes (16) ■ No (2) ■ No opinion (0)

Responses: 18

6. For future consideration, would you support other home occupations being added to the allowed list?



■ Yes (13) ■ No (1) ■ No opinion (4)

Responses: 18

7. Additional comments

1. All home based businesses should be allowed where the business is limited to one or two customers at a time.
2. Craft, art studio, and other creative businesses.
3. Daytime services without noise or environmental issues would be fine
4. I use a home salon at McClintock and Elliot. It is clean and quiet and you would not know there is a home business there. I fully support allowing these to continue to operate in residential neighborhoods.
5. Please keep neighborhoods staying as neighborhoods instead of commercial entities. Neighborhoods are already being overtaken by corporations; lets not add to the list. Also, what would keep a corporation from creating many smaller businesses within single family homes in neighborhoods; maybe these barbershops will not eventually be individually owned (a corporation will figure out a way to run their businesses out of single family homes in the name of "home occupations") and the home may only end up being used for that purpose.
6. Since the first hearing about this I have been going to one of the people requesting the code change -- Nando Garcia. His business is going well, and his neighbors have no issues. In fact, many of them have become customers. I look forward to seeing this being a permanent change.
7. Skin care, Esthetics, or any business that keeps customers to 1 or 2 at a time to retain integrity of traffic in the neighborhood.





# MEMORANDUM

TO: Neighborhood Advisory Commission  
FROM: Chad Weaver, Community Development  
DATE: August 26, 2020  
SUBJECT: Home Occupations

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Section 3-412 of the Tempe Zoning and Development Code (ZDC) provides rules governing home occupations within Tempe. Generally speaking, the section seeks to minimize impacts to neighbors and the neighborhood while providing some opportunity to run a business from home. The purpose statement reflects this, “Home occupation allows small commercial ventures for which the leasing of commercial quarters is not cost effective and which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence.”

Since spring of 2020, the Covid pandemic has changed how and where people work. A great number of office workers in particular have been working from home, largely in compliance with all applicable codes. However, there has also been increased interest in other types of work being done as a home occupation. The Community Development Department has received one request in particular, to allow a hair salon as a home occupation. At present, this is expressly forbidden, as described in 3-412.b.7 - “Prohibited Uses. A home occupation shall not include the sale of commodities on premises nor the following: clubs, barber shops, beauty parlors, commercial stables, veterinary *offices, hospitals, hotels, motels, kennels, restaurants, motor vehicle* repairing, massage parlors, and any use that does not conform to the provisions in [Section 3-412](#).”

The resident has indicated their willingness to pay the requisite fees and request a specific code change to this section to permit such a use. Staff thought it reasonable to pursue a more general conversation about home occupations, hair salons in particular, to see if there was cause to initiate the change, or other changes more broadly. Other provisions that could be relevant here, or in other instances, would be the limit of one customer on-site at a time, or the prohibition against retail sale of product.

The resident requesting the hair salon change, Nando Garcia, will attend the meeting to answer questions and will also provide State licensing guidelines that he feels mitigate many possible concerns for negative outcomes. Should the Commission find the proposal acceptable, a code change would be required to be sent to the Development Review Commission and on to City Council for a final decision.

## Section 3-412 - Home Occupation.

A. **Purpose.** *Home occupation* allows small commercial ventures for which the leasing of commercial quarters is not cost effective and which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence.

B. **Applicability.** *Home occupations* are permitted in all residential *dwellings* as an *accessory use* (see [Section 7-102](#) for definition), subject to any of the following standards indicated to protect the residential character of Tempe's neighborhoods. Deviation from any provision noted below shall be considered a violation of this Code.

### 1. Appearance of Residence.

- a. The *home occupation* shall be restricted to lawfully-built enclosed *buildings* and be conducted in such a manner as not to give an outward appearance of a business.
- b. The *home occupation* shall not result in any structural *alterations* or additions to a *building* that will change its primary use or building code occupancy classification.
- c. The *home occupation* shall not violate any conditions of *development* approval (i.e., prior development permit approval).
- d. Products and or equipment produced or used by the *home occupation* shall not be displayed or visible from outside any *building*.
- e. No offensive noise, vibrations, smoke, dust, odors, heat or glare shall be produced.

### 2. Storage.

- a. On-site storage and use of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- b. Inventory, products, equipment, fixtures, and activities associated with the *home occupation* shall be allowed in any *building*, provided that the *building* conforms to the provisions under [Section 3-412](#)(B)(1).

### 3. Employees.

- a. A *home occupation* shall have no more than three (3) individuals working within a residence for the purpose of the business.
- b. No more than one (1) person, who is not a *family* member residing within the *dwelling* located on the *home occupation* site, may be permitted to work for the benefit of the *home occupation*.
- c. Additional individuals may be employed by or associated with the *home occupation*, so long as they do not report to work or pick up/deliver at the home.
- d. The *home occupation* site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

### 4. Signs. *Home occupations* shall comply with [Section 4-903](#).

### 5. Vehicles, Parking and Traffic.

- a. Vehicles associated with the *home occupation* must comply with TCC Section 21-4.
- b. There shall be no more than three (3) commercial vehicle deliveries to or from the *home occupation* site daily. There shall be no commercial vehicle deliveries during the hours of 8:00 p.m. to 7:00 a.m.
- c. There shall be no more than one (1) client or customer vehicle on the premises at any one (1) time and the activity shall not generate traffic beyond that normal in its district.

6. **Business Hours.** Clients or customers are permitted at the *home occupation* from 7:00 a.m. to 8:00 p.m. only. Additional hours of operation for such use shall require the approval of a *use permit*.

7. **Prohibited Uses.** A *home occupation* shall not include the sale of commodities on premises nor the following: clubs, barber shops, beauty parlors, commercial stables, veterinary *offices*, *hospitals*, *hotels*, motels, *kennels*, *restaurants*, *motor vehicle* repairing, massage parlors, and any use that does not conform to the provisions in [Section 3-412](#). (Ord. No. 2006.82, 1-4-2007; Ord. No. 2005.47, 8-18-2005; Ord. No. [O2016.64](#), 1-12-2017).

# Minutes Neighborhood Advisory Commission September 2, 2020



Minutes of the Neighborhood Advisory Commission (NAC) held on Wednesday, September 2, 2020, Virtual Meeting #4 using Microsoft Teams Platform

**(MEMBERS) Present:** Hannah Moulton Belec, Maureen Eastty (via phone), Diane Harden, Jana Lynn Granillo, Stephanie Greenfield, Barb Harris, Kiyomi Kurooka, Melanie Larimer, Michael McLendon, Daniel Schugurensky and Zoe Stein.

**(MEMBERS) Absent:** Christopher McCabe, Richelle Miller

**City Staff Present:** Aaron Peterson, Tempe Learning Center, aaron\_peterson@tempe.gov; Elizabeth Thomas, Neighborhood Services Specialist; Shauna Warner, Neighborhood Services Manager; Chad Weaver, Community Development Director, chad\_weaver@tempe.gov

**Guests Present:** Anne Till, Chair of Alameda Meadows Neighborhood Association, Nando Garcia, Tempe resident

## **Agenda Item 1 – Call to Order**

The meeting was called to order at 5:32 p.m. by Chair Belec

## **Agenda Item 2 – Attendance Roll Call**

**Present:** Hannah Moulton Belec, Diane Harden, Jana Lynn Granillo, Stephanie Greenfield, Barb Harris, Kiyomi Kurooka, Melanie Larimer, Michael McLendon, Daniel Schugurensky and Zoe Stein

**Absent:** Maureen Eastty (missed roll call vote), Christopher McCabe, Richelle Miller

## **Agenda Item 3 - Public Comment**

Anne Till, Chair of Alameda Meadows Neighborhood Association located near Selleh Park, zip code 85282 addressed two topics during her allotted three minutes. She first suggested a Getting Arizona Involved in Neighborhoods (G.A.I.N.) night theme, Tempe GAINs by Giving, to encourage donations for those impacted by homelessness and Covid-19 related issues such as job loss and illness. During this year's GAIN night timeframe, collection points could be established at parks (or traditional GAIN venues) for area residents to drop-off items. In advance of GAIN events, a list of needed items and organizations could be provided to residents. Following events, neighborhood organizers could possibly drop off items somewhere for distribution or assist with future event to distribute.

Ms. Till's second concern was regarding many neighborhoods seeing increasing traffic issues for the past several years. Some have successfully used Maryanne Corder Neighborhood Grants to install speed bumps and traffic circles as well as trees for shade, cooling and walkability. Tempe is currently working on implementation of the Climate Action Plan and Low Impact Development (LID) features traffic control improvements which also incorporate storm-water harvesting, trees, plants, safety, beauty, and mobility (walking/biking) elements. Ms. Till proposed creation of a new

grant program specific to Low Impact Development and climate improving activities in neighborhoods (and completely separate from the neighborhood grant program). She volunteered to be a leader to work with the city and neighborhoods to define and establish a resident volunteerism and stewardship program and to seek out non-profits who might be interested in participating. She referenced Tucson's Clean and Beautiful non-profit program as a good model and starting point. Founded in the 1980's as a result of the Keep America Beautiful campaign, their original function was to keep the city clean of trash. They later started beautifying empty space by creating pocket parks with plantings and harnessed a lot of community help and support.

**Agenda Item 4 – Consideration of Minutes: August 5, 2020**

Commissioner Granillo requested that her suggestion to consider adding Urban Forestry as a separate Maryanne Corder Neighborhood Grant category be added to the August 5 meeting minutes.

**Motion:** Commissioner McLendon made a motion to approve the August 5, 2020 minutes with the one noted correction.

**Second:** Commissioner Larimer

**Result:** *The motion passed with a unanimous vote of 10-0 reflecting all present during that time of the meeting.*

**Commission Member Ayes:** Hannah Moulton Belec, Diane Harden, Jana Lynn Granillo, Stephanie Greenfield, Barb Harris, Kiyomi Kurooka, Melanie Larimer, Michael McLendon, Daniel Schugurensky and Zoe Stein

**Absent:** Maureen Eastty (missed minutes vote), Christopher McCabe, Richelle Miller

**Agenda Item 5 – Review and discussion of Home Occupations, Section 3-412 of the Tempe Zoning and Development Code (CDC)**

Chad Weaver, Community Development Director, briefly described Section 3-142 of the Tempe Zoning and Development Code (ZDC) which provides rules governing home occupations within Tempe. These rules are intended to minimize impacts to neighbors and the neighborhood while providing some opportunity to run a business from home.

The Covid pandemic has changed how and where people work. A sizable number of office workers have been working from home during this time and there has been inquiries and interest regarding other types of work being done as a home occupation. The Community Development Department received one request specific to allowing a hair salon as a home occupation, this use is currently expressly prohibited. Staff thought it reasonable to pursue a more general conversation about home occupations and hair salons in particular, to help determine if there was cause to initiate the change, or other changes more broadly.

Chad introduced Nando Garcia to share his case details and added that should the Commission find the proposal acceptable, the results would extend beyond this one applicant and a code change would be required to be sent to the Development Review Commission and on to City Council for a final decision. Mr. Garcia described the closure of his Phoenix salon, ongoing lease obligations, desire to creatively work from home and need to generate revenue to make himself whole. He emphasized that he will minimize any impacts on his neighbors and will follow all State Licensing regulations. He added that many hair stylists are doing this on the down low and hair salons are

allowed in some areas of Phoenix but he wants to go about it in the right way from his Tempe home. His home already has a separate entry, he plans to place fencing to guide customers to that entry.

Commission members shared the following questions and comments for Mr. Garcia and Chad Weaver:

What about signage? The packet link went to a chart that was hard to read and understand.

A: Any signage would be discreet with this being a neighborhood, likely just a sign on the entry door.

Are other cities doing this?

A: Yes, other cities do allow it such as Maricopa County and Mesa. Every city has home occupation language in their code.

Will you be keeping the name of your Phoenix salon?

A: The salon will have a different name but the website will remain the same. An application has already been submitted to Arizona State Board of Cosmetology.

Is the ask to update entire ordinance section or just focus on home salons?

A: Expecting a holistic look at Home Occupations ordinance, broader than this one request. Any proposed changes will need to go to Development Review Commission and on to City Council.

What if established salons complain about competition?

A: Don't see that as an issue - there is a lot of bad hair out there.

Is part of this proposal to include a side or separate entry?

A: It's a requirement of the Board of Cosmetology along with a salon chair and sink. (Mr. Nando noted that fortunately his home already has a side entry.)

I'm concerned about the integrity of the neighborhood and the precedent this would set. Any sunset clause after Covid?

A: I understand. I am open to suggestions. I need to make a living but am willing to make changes and adapt. I'm open to a one-year trial basis. You can come talk with my neighbors.

To clarify, are you still expecting/planning for one client at a time?

A: Sometimes clients require longer, particularly for color treatments and processing, so you could have one customer arrive while still working on another customer. Two customers at a time during regular, daytime business hours.

If two clients are permitted per stylist and the code allows for one employee, there could be two stylists each with two clients for a total of four customers at a time?

A: I would keep my vehicles in the enclosed garage, there would be room for two cars in the driveway and two on the street. I would be mindful and considerate of my neighbors.

There was additional discussion amongst members regarding if a timeframe for allowing this home occupation should be proposed and the suggestion was made for an additional opportunity to review this request. Commissioner Larimer noted the investment required to create a home salon and the urgency of this request, emphasizing Mr. Garcia is seeking help now.

**Motion:** Commissioner Larimer made a motion to accept the proposed change to the ordinance allowing hair salons as a home occupation and to increase the limit from one to two customers at a time.

**Second:** Commissioner Stein

**Result:** *The motion passed with a vote of 9-2*

**Commission Member Ayes:** Hannah Moulton Belec, Maureen Eastty, Stephanie Greenfield, Barb Harris, Matt Heil, Kiyomi Kurooka, Melanie Larimer, Daniel Schugurensky and Zoe Stein

**Commission Member No:** Jana Lynn Granillo, Diane Harden

**Abstain:** Michael McLendon

**Absent:** Christopher McCabe, Richelle Miller

**Agenda Item 6 – Overview of Neighborhood Services’ Community Engagement Efforts**

The City of Tempe’s Neighborhood Services Office was created by City Council resolution in 1987 to preserve and build community in neighborhoods. This work is accomplished by fostering engagement with the city and providing resources and support to encourage communication and connection between residents.

Shauna Warner quickly shared the Neighborhood Services Engaging the Community powerpoint included in the meeting packet. She highlighted the robust connections and communications strategies with voluntary neighborhood associations and homeowners associations that have been established over the years. Currently, there are 82 Neighborhood Associations, 135 Homeowners’ Associations and seven Affiliate Associations registered with Neighborhood Services. The Office supports the formation and administration of voluntary neighborhood associations, partners with a law firm to offer HOA educational classes, maintains a database of association contacts and oversees the Maryanne Corder Neighborhood Grant program.

Neighborhood Services staff continually strive to build and maintain strong community connections and to ensure that residents feel invited and welcomed to participate in decision-making processes. Engagement tools include public meetings, focus groups, events, online surveys, Tempe Forum, social media, pop up gatherings, radio, postcards, water bill newsletters and emails. The Tempe Involving the Public (TIP) Manual, adopted by City Council in 2007 provides consistency, establishes expectations and outlines how best to maximize the public’s engagement in public and private planning activities. The Neighborhood Advisory Commission at that time, working with staff and consultants helped to inform, draft and spearhead this document believing that community members should provide input early on in decisions that directly impact them. Neighborhood Services staff work with all city departments to help plan, manage and follow up on their public outreach initiatives and processes using the TIP manual as a resource and guide.

Staff are always open to learning about new or creative outreach efforts. Commission members were encouraged to share any they encounter that are particularly impactful or memorable.

### Agenda Item 7 – Commission business – 2020 Retreat Planning and Preparation

Chair Belec noted that there is only one more commission meeting prior to the October 17 Annual Retreat. She shared that Aaron Peterson with Tempe Learning Center is going to help facilitate the retreat and his suggestion was that members establish five or fewer goals to focus on and prioritize for the coming year. Last year's goals can be the starting point to assess status of each goal and determine which new or existing ones commissioners want to put their energies toward. Chair Belec expressed her interest in doing more tangible work as a commission. Working groups of seven or fewer commissioners are allowed and typically they identify the deliverables desired and exist for only a limited timeframe. She suggested another meeting to work on pre-retreat research and asked for any volunteers. Commissioner Harden expressed her interest in helping.

Commissioner Larimer asked for clarification on some of the prior goal terminology. Point in Time refers to the annual homeless population count typically performed by staff and community volunteers on a specific day during a given timeframe. Office hours referenced the idea of creating opportunities for NAC members to hear from the public about neighborhood issues in public settings such as Connections Café at the Library. Plans for these outreach efforts had to be delayed due to Covid-19 considerations.

Hannah read aloud last year's goals and commissioners briefly discussed their status. She then shared her five goals for NAC:

1. Direct Outreach – relationship building from us to neighborhood and hoa leaders
2. Collaborate with other commissions
3. Improve two-way communication – advisory to Council and how they hear from us
4. Increase NAC's visibility
5. Raise awareness of neighborhood grants

Chair Belec sought commission member feedback. Comments included:

- I support these, there are goals and there are objectives.
- Feels like we should get input – what is next level up? What do they deem success? Goals are far too broad, need to transition to something. Metrics would be helpful.
- Focus is on annual goals achievable in one year? Yes and beyond. All for awareness and crafting common value proposition – delivering. Increasing awareness of what NAC is and does.
- Love goals. One word of caution – need to prioritize. We have limited time and energy. Goal #1 Advise Mayor and Council, all else is secondary. All other goals should feed into this goal creating central role and focus.
- Getting information and feedback is also important, not just disseminating information.

Hannah thanked everyone for their input and emphasized that members can prioritize and craft primary and secondary goals and all will be informed by Council's priorities and goals.

### **Agenda Item 8 – State of the Neighborhoods and Awards 2021 Planning Schedule**

In consideration of meeting time constraints, Staff asked members to review the packet memo with the upcoming print and publicity deadlines.

### **Agenda Item 9 – Summary of Current Events by Zip Code Areas**

**85281-**Commissioner Harris referenced the recent train derailment and requested more communication in general about street and path closures and their duration. Commissioner Stein noted increased wasp nests in her neighborhood and expressed concern for the viability of trees planted through the Holdeman Neighborhood Tree Grant. The number of extremely hot days has resulted in some dying that were not well established enough.

**85282** – Lack of responsiveness from 311 regarding code compliance issues

**85283-** Commissioner Larimer expressed concern about internet connectivity challenges for workers and students and resulting impacts to their productivity.

### **Agenda Item 10 - Proposed Future Agenda Items**

Tree Cover

311 Responsiveness

Internet connectivity

Street closures and communication

Communication/Public Information Team Overview

Tempe Involving the Public Manual (possible updates)

Safe social commission event

Anne Till's public comment items – see also Agenda Item 3 (Tempe Gains by Giving, Traffic in neighborhoods, Low Impact Development)

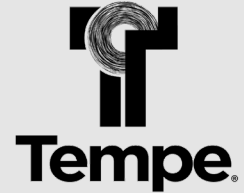
### **Agenda Item 11 – Adjournment**

Meeting was adjourned at 7:00 p.m.

Prepared by: Elizabeth Thomas



# Minutes Neighborhood Advisory Commission December 1, 2021



**Minutes of the Neighborhood Advisory Commission (NAC) held on Wednesday, December 1, 2021, virtual meeting using Microsoft Teams platform**

**(MEMBERS) Present:** Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Mark Rude, Daniel Schugurensky, Joel Stern, Nicholas Weller

**(MEMBERS) Absent:** Christopher McCabe, Michael McLendon

**City Staff:** Judi Baumann, City Attorney; Ryan Levesque, Deputy Community Development Director – Planning; Carla Reece, City Clerk; Elizabeth Thomas, Neighborhood Services Specialist; Shauna Warner, Neighborhood Services Manager

**Guests:** None

## **Agenda Item 1 – Call to Order**

The meeting was called to order at 5:31 p.m. by Chair Hannah Moulton Belec

## **Agenda Item 2 – Attendance Roll Call**

**Present:** Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Daniel Schugurensky, Joel Stern, Nicholas Weller

**Absent:** Christopher McCabe, Michael McLendon, Mark Rude

## **Agenda Item 3 – Public Comment**

None

## **Agenda Item 4 – Review and Approval of Meeting Minutes: November 3, 2021**

**Motion:** Commissioner Stern made a motion to approve the November 3 minutes as presented.

**Second:** Commissioner Harris

**Result:** Approved by a 11-0 vote of those present at the time vote was taken.

**Commission Member Ayes:** Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Daniel Schugurensky, Joel Stern, Nicholas Weller

**Absent:** Christopher McCabe, Michael McLendon, Mark Rude\*

\*Commissioner Rude arrived in meeting shortly after minutes vote was taken.

## **Agenda Item 5 – Home Occupations Section 3-412 of the City Zoning and Development Code – salons update**

Ryan Levesque, Deputy Community Development Director – Planning, shared that the current Zoning and Development Code was adopted and implemented in 2005. The Code includes rules governing home businesses intended to minimize impacts to neighbors and the neighborhood, while providing some

opportunity to run a business from home. Throughout the covid pandemic, many office workers transitioned to working from home and inquiries about other types of work being done as a home occupation were received.

The Community Development Department received one request specific to allowing a hair salon as a home occupation, a use that was expressly prohibited. Staff thought it appropriate to pursue a more general conversation about home occupations and hair salons in particular, to help determine if there was cause to initiate the change, or other changes more broadly.

During the September 2, 2020 Neighborhood Advisory Commission meeting, NAC members received a presentation about potential changes to the Home Occupations section of the City Zoning and Development Code. Members posed questions, offered feedback and then voted 9 to 2 for recommending approval for the code text change. The proposed ordinance changes, including NAC's summarized input, then went before the Development Review Commission (October 27, 2020 meeting) where members voted to approve it 7-0. Subsequently, the direction preferred by City Council was to not pursue a formal code change request but instead to implement the proposed changes through a one-year Pilot Program.

It is nearing one year since the adoption of the Pilot Program, there are five\* known Barber Shops/Beauty Salons operating out of homes in Tempe (one is temporarily closed) and there have been no known/associated complaints received through Code Compliance. Current options are to: extend the program, move forward with ordinance adoption changes, or sunset the program. Staff is preparing a presentation to be held with City Council on December 9, 2021, for direction on the pilot program.

Ryan requested member feedback. Commissioner questions and comments included:

Reached out to Nando Garcia, applicant, following the September 2020 NAC meeting and have become a regular, monthly customer. The salon is well run and following what was discussed and agreed upon. I have spoken with adjacent neighbors too, none have expressed any concerns.

How do we enforce sales tax collection?

A: This type of business is providing a service and most salons do not have a sales tax license unless they are selling products.

In general, don't see difference between remote workers today and someone working out of their house in this capacity.

Does the need still exist? Where I live is denser and lots of renters and parking challenges already. I'm in support of another year as a Pilot Program.

Were there parking rules with the Pilot Program?

A: Typically, only one guest/visitor per site. *For the purposes of the exemption in the code allowing the Pilot Program, the prohibition was lifted.* Additional stylist chairs might trigger a use permit process, as originally drafted.

What about apartments? How do they address separate entry?

A: Not sure. Arizona State Board of Cosmetology oversees and licenses Barber Shops and Beauty Salons and requires a salon chair, sink and side entry. If their unit does not provide for separate entry, the State will need to address that deficiency.

Live work units allow for a variety of businesses including uses like this on the first floor with living quarters above.

**Motion:** Commissioner Heil made a motion to support extending the Pilot Program permanently.

**Second:** Commissioner Harris

**Result:** Approved by a 11-1 vote of those present at the time vote was taken.

**Commission Member Ayes:** Hannah Moulton Belec, Maureen Eastty, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Mark Rude, Daniel Schugurensky, Joel Stern, Nicholas Weller

**Commission Member No:** Jana Lynn Granillo,

**Absent:** Christopher McCabe, Michael McLendon

### **Agenda Item 6 – Recommended changes to Campaign Finance Code**

City Attorney Judi Baumann and City Clerk Carla Reece provided an overview of the proposed amendments to Tempe City Code, Chapter 13, regarding elections. Recommended changes are as follows:

#### **Campaign Finance-Article II Div. 2**

- Campaign finance violations will require signed, written complaints (omits notary requirement)
- The penalty of first violation (up to \$200) may be waived for compliance within cure period
- Penalties for second and all subsequent violations (up to \$500) OR three times the amount in violation (staggered penalties rather than finite penalties mirroring State Law)

#### **Disclosure Obligations – Article II Div. 3**

- Define major contribution to exclude contributions exempt under State Law
- Require disclosure of the name of the candidate or ballot measure to which the expenditure was made and whether the expenditure was in support of or opposition to the candidate or ballot measure; the communication medium and description of what was purchased with the expenditure; and date the expenditure was made

#### **Clarifying Edits**

- Clarify that Maricopa County controls designation of ballot centers
- Authorize City Clerk to approve changes in case of emergency (coordinate with Maricopa County to change ballot center locations)
- Apply gender neutral pronouns throughout
- Reference ballot centers instead of polling places

Commission members had a number of comments and questions:

- What instigated changes?

The existing requirements have been in place for a number of years. City of Phoenix made some similar changes, we took this opportunity to compare and review our Code. Important to have an accessible, transparent process and to use similar language at the state and local levels - when it makes sense to do so.

- What is change on penalties?

The first penalty is lower and not meant to be punitive. The city will issue a notice and provide opportunity to cure or resolve situation understanding the candidate or campaign manager may not have had a sophisticated campaign in the past. For additional violations, fines up of up \$500 or three times the amount in violation if not cured or if some type of action is not taken.

- How many complaints last cycle?

Two to three formal and 2-3 anonymous, all were looked into and all were cured or found that there was not a violation per code.

- Still having trouble understanding major contributions, can you provide an example?  
Alignment of city code with State Law. For example, bookkeeping fees used to need to be noted as an expense. It still can be but no longer has to be. Change from \$50.00 and over contributions to \$100 and over contributions without donor having to disclose their name and occupation. This will be more applicable to future elections as many donors have already donated for current campaigns.

- Changes look great but really disappointed there was not consensus regarding loopholes. Who is maxing out? People with money and influence are making out.  
Our city limits are really low compared to others. Difference between state and city, don't want to be challenged as Vermont was. Could favor incumbents or those who personally fund their campaigns. Can see it both ways. Local candidate limits are lower than legislative or state candidates likely because they can fundraise amongst a larger population.

### **Agenda Item 7 – STEP Update**

At the October 6, NAC meeting, Commissioner Knutson and other members gave feedback, which included expressing concerns over some of the static content as well as some of the proposed revisions to the document now renamed as the Neighborhood Traffic Calming Manual. Commissioner Knutson then attended the October 21 Tempe City Council Issue Review Session to speak in-person and emphasize her remaining concerns about the document as presented from a downtown resident perspective with personal traffic calming processes experience.

At that Council Issue Review Session, the following guidance was provided –

- Revisit the top tier's 100% approval threshold required for those adjacent to a device. There was much Council discussion about the acceptable range with somewhere in the range of 65% to 75% advised.
- Continue to look deeper and benchmark against peer Town and Gown cities like Boulder/Colorado, Madison/Wisconsin, Flagstaff/Arizona and Austin/Texas
- Respecting that all voices need to be heard, clarify "may sign" language regarding renter and/or owner situations to provide clear direction and understanding.
- Consider the Neighborhood Traffic Calming Manual as a living/working document. Need to establish resident trust. Report back between December and February about staff and public experiences using the manual with current traffic calming projects.

Commission members discussed how items come before the group (both from member input and from staff requests), what the process is when something like the STEP Manual Update is brought before the group and how the input or feedback is shared with Council. For staff requesting an agenda item, Chair Moulton Belec typically requests clarification of what the ask is and when the Commission as a whole takes formal action, the NAC meeting date with support or approval (when applicable) is noted in the later staff presentations to Council. The meeting minutes capture results of any Commission vote taken and highlight individual commissioner questions and comments.

Chair Moulton Belec emphasized that it's helpful (and ensures input is shared in the spirit intended) when members can attend Council meetings to speak to issues and items they are especially passionate about. Other options mentioned included drafting a letter or memo from NAC to Council and helping by pushing information learned through NAC meetings out to neighbors.

Shauna agreed to confirm next steps for Neighborhood Traffic Calming Manual and Council schedule. Commissioner Knutson offered to share her downtown neighborhood areas traffic calming plan with those interested.

### **Agenda Item 8 – Review and discussion of NAC Annual Report**

There was brief discussion and agreement to include the NAC Maryanne Corder Neighborhood Grants Survey in next year's report after survey results are in. The goals listed in the Annual Report were affirmed and there was agreement to insert the two NAC media mentions.

**Motion:** Commissioner Weller made a motion to approve the Annual Report with the media mentions insertions.

**Second:** Commissioner Harris

**Result:** Approved by a 12-0 vote of those present at the time of the vote.

**Commission Member Ayes:** Hannah Moulton Belec, Maureen Eastty, Jana Lynn Granillo, Diane Harden, Barb Harris, Matt Heil, Linda Knutson, Melanie Larimer, Mark Rude, Daniel Schugurensky, Joel Stern, Nicholas Weller

**Absent:** Christopher McCabe, Michael McLendon

### **Agenda Item 9 – State of the Neighborhoods & Awards 2022**

There was group review of proposed category names and criteria. The Chuck Malpede Award criteria specific to years of involvement was changed from 15 years to ten (previously was 3). This award is being broadened and will both celebrate longevity and be applicable to all award categories allowing a NA, HOA, individual or beautiful space the opportunity to win. Chair Hannah Moulton Belec noted that NAC does not have to select a winner for each category, it will depend on the nominations pool.

Promotion of the neighborhood award nominations being open, all categories with emphasis on the new ones and the February 15 deadline for submissions will be through varied Neighborhood Services and Communications and Media Relations outreach channels as well as through NAC member personal contacts and NAC opt in list messages and reminders.

### **Agenda Item 10 – Communication and Grants Working Group Updates**

The November Communications and Grants Working Group meeting notes were included in the meeting packet materials and highlights were briefly shared. Commissioner Harris is using NAC's editorial calendar and pitching storytelling ideas about neighborhood awards nominations and the 2022-2023 Maryanne Corder Neighborhood grants applications opening and other timely topic related suggestions from NAC members directly to Nikki Ripley, Communications/Media Relations Manager.

### **Agenda Item 11 – Nominations for Chair and Vice Chair**

Members offered support for and nominations for Hannah Moulton Belec as Chair and Melanie Larimer as Vice Chair as noted below:

**Motion:** Commissioner Harden

**Second:** Commissioner Jana Lynn Granillo

Chair Moulton Belec and Vice Chair Larimer both expressed a willingness to continue serving in their respective roles while also encouraging any interested members to step up. Additional nominations, if any, are welcome and will be taken at the January 5, 2022 meeting before the election takes place. The election per commission ordinance must be held at the first meeting of the new year.

### **Agenda Item 12 – Recognition of outgoing members**

Commissioners Heil, McLendon and Yates were thanked for their time and service to the Neighborhood Advisory Commission and will be invited to join the NAC Alumni Facebook Group.

**Agenda Item 13 – Joint meeting planning – Sustainability Commission and NAC**

Staff is forwarding out a google poll to members to verify their availability for meeting scheduling January through March. This poll includes a joint Sustainability and Neighborhood Advisory Commission meeting tentatively planned for Tuesday, January 10 beginning at 4:30 pm - pending confirmation of NAC's needed quorum of eight.

**Agenda Item 14 – Proposed Future Agenda Items**

See December meeting packet memo.

**Agenda Item 15 – Adjournment**

Meeting was adjourned at 7:04 p.m.

Prepared by: Elizabeth Thomas

## **ZONING CODE RESEARCH OF HOME OCCUPATIONS FOR BEAUTY SALON AND BARBER SHOP AS A HOME BUSINESS**

<b>Regulations By Municipality for Beauty Salon and Barber Shop as Home-Business or Home-Occupation</b>									
	<b>Home Occ. by Right or by Use Permit</b>	<b>Parking Requirements</b>	<b>Limit on Chairs per House</b>	<b>Limit on Scope of Work</b>	<b>Other Special Provisions</b>	<b>Salon Definition</b>	<b>Beauty Parlor Definition</b>	<b>Barber Shop Definition</b>	<b>Other Notes</b>
<b>Buckeye</b>	Allowed by Right	No more than 2 off street spaces	1	none	20% comb floor area, or 500 sqf (whichever is less), no signage, no wholesale of retail goods	None	None	None	Limit 1 off site residing employee
<b>Chandler</b>	Not Allowed	N/A	N/A	N/A	N/A	None	None	None	Traveling barber is ok
<b>Flagstaff</b>	Must have home occupation permit	None	None	None	No signs, 20% or less floor space for use	None	None	None	Limit to 1 non-resident employee
<b>Gilbert</b>	Not Allowed	N/A	N/A	N/A	N/A	None	None	None	Working on Text Amendment
<b>Glendale</b>	Class 1 by Right, Class 2 by Use Permit	Must be on site	Class 1 - 1 chair Class 2 - > 1 chair	Must be between 7:00am and 10:00pm	No signage	None - personal services	None - personal service	None - personal services	Becomes Class 2 if not entirely conducted inside residence, has employees who don't reside there, or more than one cust. delivery / day
<b>Goodyear</b>	Not Allowed	N/A	N/A	N/A	N/A	None	None	None	N/A
<b>Mesa</b>	By Right or Use Permit depending on intensity	On site/off street parking ,limited to day time, non-resident	None	None	One, non-illuminated sign no more than 3 sqft.	None	None	None	Use permit required if non-resident employee, indoor storage
<b>Peoria</b>	Not Allowed	N/A	N/A	N/A	N/A	None	None	None	N/A
<b>Phoenix</b>	Not Allowed	N/A	N/A	N/A	N/A	None	None	None	N/A
<b>Queen Creek</b>	By Right subject to requirements of code.	On site/off street parking ,limited to day time		no more than 5 customers per day, no more than 1 at a time on site.	No more than 25% of floor space for use. No illuminated signs. Restrictions on employees and storage of products on site.	None	None	None	N/A
<b>Scottsdale</b>	Not Allowed	N/A	N/A	N/A	Cannot create pedestrian or vehicular traffic beyond normal for the zoning/land use	None	None	None	N/A
<b>Tucson</b>	Not Allowed	N/A	N/A	N/A	N/A	None	None	None	N/A

## BUCKEYE ZONING CODE

### **ARTICLE 3: USE REGULATIONS**

#### **SECTION 3.3 ACCESSORY USES AND STRUCTURES**

##### **SUBSECTION 3.3.4 ADDITIONAL STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES**

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A home occupation may be permitted as an accessory use to a principal dwelling unit in any of the residential or mixed-use districts, provided that:

- 1. Size/Area**

The business or service is located within the dwelling or an associated permitted accessory building, and does not exceed 20 percent of the combined floor area of the structures or 500 square feet, whichever is less.
- 2. Employees and Residency**

The principal person or persons providing the business or service shall reside in the dwelling on the premises. The home occupation shall employ no more than one person who does not reside on the premises.
- 3. Neighborhood Compatibility**
  - a.** All vehicles used in connection with the home occupation shall be of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there shall be no more than two vehicles used in connection with any home occupation.
  - b.** No more than two off-street parking spaces may be provided for the home occupation, in addition to those off-street parking spaces required for the dwelling itself pursuant to Section 5.6, *Off-Street Parking*, of this Development Code.
  - c.** No additional parking areas other than driveways shall be located in the required front setback.
  - d.** There shall be no advertising devices on the property, or other signs of the home occupation, that are visible from outside the dwelling or accessory building.
  - e.** The property shall contain no outdoor display or storage of goods or services that are associated with the home occupation.
  - f.** Wholesale or retail sales of goods shall not occur on the premises.
  - g.** The home occupation shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception. No heavy machinery shall be operated in connection with the home occupation. No home occupation shall use chemicals, materials, or equipment that are not normally found in a residential area.
- 4. Prohibited Home Occupations**

The following uses, because of their impacts on the surrounding residential area, shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students are being instructed at one time); dental offices; medical offices; the painting of vehicles, trailers or boats; private



## **FLAGSTAFF ZONING CODE**

### **10-40.60.180 Home Occupations**

- A. The use of a dwelling for a home occupation shall be compatible with the residential character of the dwelling and the neighborhood.
- B. The home occupation shall be conducted only inside the dwelling or inside an accessory building or garage.
- C. The business shall only be conducted by a resident or residents of the dwelling with no more than one outside employee coming to the residence.
- D. No more than 20 percent of the total floor area of the dwelling shall be used for the home occupation.
- E. No stock, goods, and/or materials shall be displayed or sold at the location of the home occupation, except as permitted in subsection (F) of this section; provided, that this provision shall not be interpreted to prevent pick up of orders made either through the telephone or at sales meetings outside of the dwelling in which the home occupation is located.
- F. The sale of fresh produce and cottage foods (i.e., baked, pickled, canned or similarly produced foods grown in a vegetable garden at the location of the home occupation) is permitted subject to compliance with all State and local regulations.
- G. No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with a home occupation.
- H. Signs shall be used in compliance with Division [10-50.100](#), Sign Standards.
- I. No more than two home occupations shall be carried on in a single residence; provided, that together they do not exceed the 20 percent area limitation in subsection (D) of this section, or violate any other conditions specified in this section.
- J. The home occupation shall not be conducted in such a manner or advertised in such a way as to generate more pedestrian or vehicular traffic than typical for the zone within which it is located based on the standards in the current edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers.
- K. A home occupation shall not utilize flammable liquids or hazardous materials in quantities not customary to a residential use, in compliance with the adopted City Fire Code and Building Code.
- L. The home occupation shall not create any radio, television, computer, or power line interference, or noise audible beyond the boundaries of the site.
- M. No more than one motor vehicle, or vehicle-trailer combination, not exceeding a gross vehicle weight rating (GVWR) of 14,000 pounds shall be stored at a residence and/or used in connection with a home occupation.
- N. A home occupation requires the issuance of a Home Occupation Permit in compliance with Section [10-20.40.070](#), Home Occupation Permit, prior to commencement of the home occupation.
- O. Any change in use of a home occupation, or if the applicant/permit holder of a home occupation no longer resides in the home where the home occupation permit was originally issued, will result in the automatic termination of the home occupation. A new owner of a home occupation or a change in use of a previously approved home occupation will require the issuance of a new home occupation permit and a new privilege license from the City prior to commencement of the home occupation.
- P. No home occupation permit is needed for a business located within a residence in any commercial zone.

(Ord. 2016-07, Amended, 2/16/2016 (Res. 2016-02))

## GLENDALE ZONING CODE

### 7.304 - Home Occupations.

- A. Home Occupations (Class I) are accessory uses in all residential districts. An occupation or profession is considered a home occupation when it:
1. Is conducted entirely from within the principal residence with no activity or storage in the garage or other accessory buildings, or in other outdoor areas;
  2. Is conducted only by a resident or residents of the dwelling unit (no employees other than the family), no outside employees visit the site;
  3. Does not have any customer traffic or more than one (1) commercial delivery vehicle a day coming to the residence related to the home occupation;
  4. Produces no offensive noise, vibration, smoke, dust, odors, heat, or glare beyond the boundaries of the property;
  5. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes with storage for the use limited to a maximum of five (5) percent of the total floor area;
  6. Has no signs or other exterior evidence of its existence;
  7. A valid City sales tax and business license is maintained for business purposes;
  8. Activity shall be limited to the hours between 7:00 a.m. and 10:00 p.m.; and
  9. Any parking incidental to the home occupation shall be provided on site.
- B. Home Occupations (Class II) are subject to conditional use permit in all residential districts. It is required when any of the following standards can not be met by the proposed home occupation:
1. Is conducted entirely from within the principal residence with no activity or storage in the garage or other accessory buildings, or in other outdoor areas;
  2. Is conducted only by a resident or residents of the dwelling unit (no employees other than the family), no outside employees visit the site;
  3. Does not have any customer traffic or more than one (1) commercial delivery vehicle a day coming to the residence related to the home occupation.
- C. Except as may be provided by conditional use permit approval in conjunction with a Home Occupation (Class II), no accessory use shall include outdoor display or storage of any of the following listed items, when such items are visible or emit odor, dust, gas, noise, vibration, smoke, heat, or glare, beyond any boundary of the lot on which such items are displayed or stored:
1. Any building or landscaping materials.
  2. Any machinery, construction trailers, parts, or appliances.
  3. Vehicles which are unlicensed, inoperable, or registered to or owned by persons not residing on, or the guests of persons residing on the premises.
  4. Any other chattel used for or intended for a commercial purpose or ultimate use other than to subject premises.

(Ord. No. 1772,6-23-93)

**MESA ZONING CODE**

**11-31-33: - HOME OCCUPATIONS**

Home Occupations, as defined in Chapter 87, are permitted as specified in Article 2, limited by the following:

- A. In all residence, commercial, mixed-use and downtown districts, the following standards apply:
  - 1. There is no nonresident employee working at the Home Occupations site,
  - 2. There is no commercial storage on the Home Occupations site, interior or exterior,
  - 3. The Home Occupations site is not used for day-long or other long-term parking of vehicles used by non-resident employees, or clients for personal or business use,
  - 4. Any short-term employee or client parking that is needed occurs on the Home Occupations property or on the street immediately in front of the residence; and
  - 5. There is no exterior indication of a nonresidential use, outside of a one, non-illuminated, static message sign of no more than 3 square feet in area attached to the building or placed in a window.
  
- B. In the AG, RS-90 and RS-43 districts:
  - 1. The definition of "Home Occupations" may be expanded to include on-site fabrication of artisan or custom crafted materials for installation at a different location when conducted within an enclosed, sound attenuated building.
  - 2. Home Occupations that are not in conformance with items 1 through 5 in Paragraph A, above, shall require approval a Special Use Permit, pursuant to Chapter 67 and 70. Such SUPs shall be limited as follows:
    - a. No more than 2 non-resident employees;
    - b. 1 on-site, independently accessed parking space provided for each non- resident employee. The parking space(s) shall be located on a dust-proof surface, and shall be in addition to required minimum parking for the residence;
    - c. Any commercial storage occurs entirely within an enclosed structure; and
    - d. The primary residence, and all accessory buildings and structures, shall comply with the requirements of Section 11-5-3 and 11-5-7(B)