

ORDINANCE NO. 2022.XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA, AMENDING THE ZONING AND DEVELOPMENT CODE,
PART 3 – LAND USE, SECTION 3-412 HOME OCCUPATION AND PART
7 – DEFINITIONS, SECTION 7-103 - "B" DEFINITIONS.

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 AND ARE LIMITED TO SIGN TYPE B.
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 (2) CLIENT 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 THAT ENGAGES IN ANY OCCUPATIONS OF A BARBER AS LICENSED BY THE STATE, EXCLUDING TATTOO, BODY PIERCING AND MASSAGE ESTABLISHMENTS.

BEAUTY SALON MEANS A PLACE, ESTABLISHMENT, OR PREMISES WHERE A PERSON ENGAGES IN ANY OF THE OCCUPATIONS OF COSMETOLOGY AND LICENSED BY THE STATE INCLUDING AESTHETICIAN, BEAUTICIAN OR COSMETOLOGIST AND EXCLUDING TATTOO, BODY PIERCING ESTABLISHMENTS AND MASSAGE ESTABLISHMENTS.

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.

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:

Sonia Blain, City Attorney