



Town of Huachuca City

The Sunset City

500 N Gonzales Blvd • Huachuca City, Arizona 85616
Phone: (520) 456-1354 • TDD: (520) 456-1353 • Fax: (520) 456-2230

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.10 "DEFINITIONS" AND CHAPTER 18.100 "SUPPLEMENTAL REGULATIONS," SECTION 18.100.210 "HOME OCCUPATIONS" TO CLARIFY THAT HOME OCCUPATIONS REQUIRE A BUSINESS LICENSE, APPROVAL OF THE BUILDING OFFICIAL AND PERMISSION OF THE PROPERTY OWNER; AND TO PROHIBIT NAIL SALONS, DENTAL OFFICES AND AUTO REPAIR AND SERVICE BUSINESSES FROM BEING HOME OCCUPATIONS; AND TO PROHIBIT OUTSIDE DISPLAY OR STORAGE OF STOCK-IN-TRADE.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the "Code"], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

WHEREAS, pursuant to A.R.S. 9-462.01 (A) and 9-240(B)(19), the Town is empowered to adopt and amend zoning regulations and issue business licenses; and

WHEREAS, the Town Council has determined that it would be in the best interest of the health, safety and welfare of the Town's residents to revise the Town's zoning regulations pertaining to home occupational uses; and

WHEREAS, a public hearing was held on November 7, 2018, to receive public comment, pro and con, for adopting the following Code amendments; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on December 13, 2018, and at a subsequent meeting on January 10, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 18 "ZONING," Chapter 18.10 "DEFINITIONS," SECTION 18.10.010 "Definitions" is amended by changing the definition of "Home occupation," as follows, with deletions in ~~strikeout~~ and additions in underlined text:

"Home occupation" means an activity carried on by the occupant of a dwelling as a secondary use, including professional and semi-professional offices when conducted

and entered from within the dwelling, in ~~connection with~~ which there is no public outside display or storage of stock-in-trade upon the premises, not more than one nonresident of the premises is employed and not more than one-fourth of the floor area of one story of the principal building, or a detached home workshop of not more than 200 square feet in area is used for such home occupation; and provided, that the residential character of the dwelling is not changed by said use and that such occupation does not cause any sustained changes by said use and that such occupation does not cause any sustained or unpleasant or unusual noises, vibrations, noxious fumes, odors, or cause any parking or traffic congestion in the immediate neighborhood.

SECTION 2. The Code, Title 18 “ZONING,” CHAPTER 18.100 “SUPPLEMENTAL REGULATIONS,” SECTION 18.100.210 “Home occupations,” subsections (A) and (C)(2), are amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

18.100.210 Home occupations.

A home occupation may be permitted upon application to the ~~zoning commission~~ town clerk in any residential district, subject to the following conditions:

A. The home occupation ~~must be registered with~~ requires a business license from the town clerk and is subject to review by the ~~planning and zoning commission~~ building official. ~~The building official will issue a permit. If the applicant is not the owner of the premises, written owner permission for the home occupation must accompany the business license application.~~

B. *[No changes]*

C. Prohibited Home Occupation Uses.

1. *[No changes]*

2. Barber and beauty shops, nail salons, commercial stables, cosmetologists, ~~dog~~ pet grooming or boarding, embalmers and morticians, human and animal medical/dental services, massage therapists, restaurants, storage, ~~painting,~~ washing and sales on property not owned by the occupants of the property, and all auto-related service and repair.

SECTION 3. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 4. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 5. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 10TH DAY OF JANUARY, 2019.



Johann Wallace, Mayor

ATTEST:



Jennifer Fuller, Town Clerk

Approved as to Form:



Thomas Benavidez, Town Attorney

