

ORDINANCE NO. 2024-005

**AN ORDINANCE OF THE TOWN OF SPRINGERVILLE,
APACHE COUNTY ARIZONA, AMENDING THE TOWN
CODE TITLE 17 CHAPTER 17.28 SECTION 17.28.090
“HOME OCCUPATIONS” RELATED TO DELIVERY
VEHICLES AND CONDITIONAL USE PERMITS, PROVIDING
FOR REPEAL OF CONFLICTING ORDINANCES, AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Mayor and Council of the Town of Springerville desire to promote the public health, safety and general welfare of the citizens of Springerville; and,

WHEREAS, pursuant to Arizona Revised Statutes Section 9-462.01 the Town is authorized to regulate zoning; and,

WHEREAS, regulating home occupations will help promote the public health, safety and general welfare of the Town; and,

WHEREAS, this Ordinance shall become effective thirty (30) days after its passage and adoption; and,

WHEREAS, all ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SPRINGERVILLE AS FOLLOWS:

Section 1: That Title 17 Chapter 17.28 Section 17.28.090 is amended to read as follows:

17.28.090 Home occupations.

Home occupations may be permitted in any residential zones, subject to the following requirements:

- A. Home Occupations. Shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes, shall be conducted entirely within the dwelling and shall not change the residential character thereof.
- B. Home occupations must meet all licensing, certification and/or regulatory requirements of the town of Springerville.
- C. Area. No more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the home occupation.
- D. Delivery Vehicles—Commercial Vehicle Parking. ~~No business shall be conducted which requires delivery vehicles or other services not customary to a residence.~~ **No home occupation business shall be conducted which requires the home occupation itself to**

park at the residence or otherwise utilize its own delivery vehicles or other services not customary to a residence. Such requirement does not prohibit delivery vehicles coming to residences, whether for a home occupation or otherwise, to make deliveries to the residences so long as such deliveries are no longer than thirty (30) minutes and comply with applicable parking and roadway obstruction restrictions.

- E. Nuisances. There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration or other nuisances discernible beyond the property lines. There shall be no indication of business activities other than those typical of a residential dwelling before eight a.m. or after eight p.m. No flammable liquids or hazardous materials shall be handled, used or stored in association with a home occupation.
- F. Prohibited Home Occupations. The following home occupations are prohibited in residential zones: motor vehicle repair or similar services; kennels, stables or veterinary clinics; restaurants, clubs or drinking establishments; undertaking or funeral parlors; adult entertainment establishments, adult retail establishments, or adult theaters; outdoor storage of firewood for sale; or any business determined by minute order of the planning and zoning commission to be similar to the uses listed or detrimental to the health, safety and welfare of the community.
- G. Home Occupations Requiring a Conditional Use Permit. The following home occupations may be allowed in residential zones with a conditional use permit: barber shops and beauty salons; medical and dental clinics; day care centers; bed and breakfast establishments that are owner-occupied and do not exceed four units; ~~any use generating more than two customers or client visits per day;~~ uses requiring more off-street parking than is typical for a residence; ~~uses employing a nonresident;~~ or any business determined by minute order of the planning and zoning commission to be similar to the uses listed and not detrimental to the health, safety and welfare of the community.

Section 2: Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3: Zoning Considerations. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

Section 4: Effective Date. This ordinance shall be effective thirty (30) days after its passage and adoption.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Springerville, Arizona, this ____ day of _____. 2024.

Shelly Reidhead, Mayor

ATTEST:

APPROVED AS TO FORM:

Kelsi Miller, Town Clerk

Town Attorney
Mangum, Wall, Stoops & Warden
PLLC

I, KELSI MILLER, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF SPRINGERVILLE, ARIZONA, ON THE ____ DAY OF _____, 2024, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2024.

Kelsi Miller, Town Clerk