

ORDINANCE NUMBER 2018-16

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING THE ZONING ORDINANCE, ARTICLE XVI, HOME OCCUPATION; SECTION 1603, REGULATIONS FOR HOME OCCUPATIONS

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. The Town of Paradise Valley’s Code is hereby amended by adding a new subsection “8” to Section 1603, regarding proper parking locations for home occupation properties, and making a few other minor modifications, showing text to be added in **bold** and deleting the text shown by ~~strikeout~~.

ARTICLE XVI. HOME OCCUPATION

Section 1601. Purpose

The purpose of the home occupation provision is to restrict business activity to home occupations which are compatible with the residential character of the neighborhood.

Section 1602. General

Home occupations shall be permitted in all residential districts subject to the regulations for home occupations set forth in this article.

Section 1603. Regulations for home occupations. **For all residential properties that operate or maintain a home occupation on a residential property, including short term rental activities, the following conditions, restrictions, and limitations apply:**

1. A business license from the ~~town~~**Town** shall first be obtained, as per section 4-3-1 ~~license required~~**License Required**, of the ~~town code~~**Town Code**;
2. A home occupation shall be conducted only in fully enclosed structures;
3. A home occupation shall clearly be an accessory use to the existing residential use and not change the residential character of the ~~site~~**property** and/or neighborhood.;
4. ~~renting~~**Renting**, or use of, residential properties as a commercial venue for weddings, luncheons, dinners, auctions, sales or similar events, is prohibited;

5. A home occupation may have a name plate affixed to the house of not more than 144 square inches. No other exterior sign or display shall be allowed;
6. No goods shall be sold and delivered to ~~the~~ a customer ~~at or~~ on the ~~premises~~**property** except those prepared on the premises;
7. All parking associated with the home occupation shall be on ~~site~~**the property**;
8. **No person shall, as part of a home occupation activity, park, or cause or allow to be parked, a motor vehicle that is visible from a street or adjacent property unless such vehicle is parked upon a driveway on the property that is surfaced with asphaltic concrete, pavement bricks, cement concrete, or a material that is paved, compacted, or chemically stabilized to prevent fugitive particulate matter; provided, however, parking on grass or turf areas shall not be allowed in any circumstance. For the purposes of this subsection, a vehicle shall not be deemed visible if it is completely surrounded by a six-foot high solid wall with view-obscuring gates;**
89. Hours of operation shall be limited to no earlier than 7am and no later than 10pm for **any** activity which is visible or audible off the property;
910. No storage of materials shall be visible from off the property;
4011. Emission of odor, dust, vibration, smoke, heat, or pollutants beyond any boundary of the ~~lot~~**property** on which the use is conducted, or at a level exceeding that of ambient conditions, is prohibited; and
4112. The ~~residential-site~~**property** shall not be used as a dispatch area to centrally manage a business which entails employees reporting to the ~~site~~**property** to receive work assignments, equipment, or materials.

Section 2. Pursuit to Section 1-9-2 of the Town Code, any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,500, or imprisonment not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as described. Pursuant to Section 1-9-3 of the Town Code, a violation of the provisions of this Code or amendments thereto may also constitute a civil offense, and any person who is served with a citation charging such violation and who admits or is found responsible for such offense shall be liable to pay to the Town a civil sanction in an amount not to exceed seven hundred fifty dollars. Each day that a violation continues shall be a separate offense punishable as described.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any

reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. 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 5. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this 25th day of October 2018.

Michael Collins, Mayor

SIGNED AND ATTESTED TO THIS _____ DAY OF _____ 2018

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney