

REFERENCE TITLE: home-based businesses; regulations; municipalities

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1002

Introduced by
Senator Farnsworth D

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.09; RELATING TO MUNICIPAL ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.09, to read:

4 9-462.09. Restriction on regulation: home-based businesses:
5 exception; definitions

6 A. A CITY OR TOWN MAY NOT ADOPT AN ORDINANCE THAT RESTRICTS OR
7 OTHERWISE REGULATES THE OWNER OF A HOME-BASED BUSINESS THAT HOLDS A VALID
8 LICENSE FROM:

9 1. MAKING RESIDENTIAL PROPERTY IMPROVEMENTS TO ADD DOORS, SHELVING
10 OR DISPLAY RACKS FOR USE BY THE HOME-BASED BUSINESS.

11 2. DISPLAYING A TEMPORARY COMMERCIAL SIGN ON THE RESIDENTIAL
12 PROPERTY DURING BUSINESS HOURS, IF THE SIGN IS NOT MORE THAN TWENTY-FOUR
13 INCHES BY TWENTY-FOUR INCHES.

14 3. SELLING OR OFFERING FOR SALE ANY GOODS.

15 4. GENERATING TRAFFIC, PARKING OR DELIVERY ACTIVITY THAT DOES NOT
16 CAUSE ON-STREET PARKING CONGESTION OR A SUBSTANTIAL INCREASE IN TRAFFIC
17 THROUGH THE RESIDENTIAL AREA.

18 5. HAVING MORE THAN ONE CLIENT ON THE PROPERTY AT ONE TIME.

19 6. EMPLOYING ANY OF THE FOLLOWING:

20 (a) RESIDENTS OF THE PRIMARY RESIDENTIAL DWELLING.

21 (b) IMMEDIATE FAMILY MEMBERS.

22 (c) ONE OR TWO INDIVIDUALS WHO ARE NOT RESIDENTS OF THE PRIMARY
23 RESIDENTIAL DWELLING OR IMMEDIATE FAMILY MEMBERS.

24 7. USING FIFTY PERCENT OR LESS OF THE SQUARE FOOTAGE OF THE PRIMARY
25 RESIDENTIAL DWELLING TO CONDUCT HOME-BASED BUSINESS ACTIVITY.

26 8. USING A FOUR HUNDRED-SQUARE-FOOT OR SMALLER ACCESSORY STRUCTURE
27 OR GARAGE FOR HOME-BASED BUSINESS ACTIVITY.

28 B. THIS SECTION DOES NOT PRECLUDE A CITY OR TOWN FROM IMPOSING
29 REASONABLE OPERATING REQUIREMENTS ON A HOME-BASED BUSINESS OR A
30 RESIDENTIAL PROPERTY USED BY A HOME-BASED BUSINESS.

31 C. FOR THE PURPOSES OF THIS SECTION:

32 1. "ACCESSORY STRUCTURE":

33 (a) MEANS AN ENCLOSED STRUCTURE THAT IS ON THE RESIDENTIAL PROPERTY
34 AND THAT IS IN ADDITION TO THE PRIMARY RESIDENTIAL DWELLING.

35 (b) INCLUDES A WORKSHOP.

36 2. "GOODS" MEANS ANY MERCHANDISE, EQUIPMENT, PRODUCTS, SUPPLIES OR
37 MATERIALS.

38 3. "HOME-BASED BUSINESS" MEANS ANY BUSINESS FOR THE LIMITED
39 MANUFACTURE, PROVISION OR SALE OF GOODS OR SERVICES THAT IS OWNED AND
40 OPERATED BY THE OWNER OR TENANT OF THE RESIDENTIAL PROPERTY.

41 4. "IMMEDIATE FAMILY MEMBER" MEANS A SPOUSE, CHILD, SIBLING,
42 PARENT, GRANDPARENT, GRANDCHILD, STEPPARENT, STEPCHILD OR STEPSIBLING
43 WHETHER RELATED BY ADOPTION OR BLOOD.

1 5. "LICENSE" MEANS ANY PERMIT, CERTIFICATE, APPROVAL, REGISTRATION,
2 CHARTER OR SIMILAR FORM OF AUTHORIZATION THAT IS REQUIRED BY LAW AND THAT
3 IS ISSUED BY ANY AGENCY, DEPARTMENT, BOARD OR COMMISSION OF THIS STATE OR
4 OF ANY POLITICAL SUBDIVISION OF THIS STATE FOR THE PURPOSE OF OPERATING A
5 BUSINESS IN THIS STATE OR TO AN INDIVIDUAL WHO PROVIDES A SERVICE TO ANY
6 PERSON AND THE LICENSE IS REQUIRED TO PERFORM THAT SERVICE.