

Senate Engrossed House Bill
municipal zoning; middle housing

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 197
HOUSE BILL 2721

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.10; 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 9-462.10, to read:

4 9-462.10. Zoning; development; middle housing; applicability;
5 definitions

6 A. ON OR BEFORE JANUARY 1, 2026, A MUNICIPALITY WITH A POPULATION
7 OF SEVENTY-FIVE THOUSAND PERSONS OR MORE MUST AUTHORIZE BY ORDINANCE AND
8 INCORPORATE INTO ITS DEVELOPMENT REGULATIONS, ZONING REGULATIONS AND OTHER
9 OFFICIAL CONTROLS THE DEVELOPMENT OF DUPLEXES, TRIPLEXES, FOURPLEXES AND
10 TOWNHOMES AS A PERMITTED USE ON BOTH OF THE FOLLOWING:

11 1. ALL LOTS ZONED FOR SINGLE-FAMILY RESIDENTIAL USE WITHIN ONE MILE
12 OF THE MUNICIPALITY'S CENTRAL BUSINESS DISTRICT.

13 2. AT LEAST TWENTY PERCENT OF ANY NEW DEVELOPMENT OF MORE THAN TEN
14 CONTIGUOUS ACRES.

15 B. THE MUNICIPALITY MAY NOT DO ANY OF THE FOLLOWING:

16 1. DISCOURAGE THE DEVELOPMENT OF MIDDLE HOUSING THROUGH
17 REQUIREMENTS OR ACTIONS THAT INDIVIDUALLY OR CUMULATIVELY MAKE
18 IMPRACTICABLE THE PERMITTING, SITING, OR CONSTRUCTION OF MIDDLE HOUSING.

19 2. RESTRICT MIDDLE HOUSING TYPES TO LESS THAN TWO FLOORS.

20 3. RESTRICT MIDDLE HOUSING TYPES TO A FLOOR AREA RATIO OF LESS THAN
21 FIFTY PERCENT.

22 4. SET RESTRICTIONS, PERMITTING OR REVIEW PROCESSES FOR MIDDLE
23 HOUSING THAT ARE MORE RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS
24 WITHIN THE SAME ZONE.

25 5. REQUIRE OWNER OCCUPANCY OF ANY STRUCTURES ON THE LOT.

26 6. REQUIRE ANY STRUCTURES TO COMPLY WITH A COMMERCIAL BUILDING CODE
27 OR TO CONTAIN A FIRE SPRINKLER.

28 7. REQUIRE MORE THAN ONE OFF-STREET PARKING SPACE PER UNIT.

29 C. THIS SECTION DOES NOT PROHIBIT THE GOVERNING BODY OF A
30 MUNICIPALITY FROM ALLOWING EITHER OF THE FOLLOWING:

31 1. SINGLE-FAMILY DWELLINGS IN AREAS ZONED FOR SINGLE-FAMILY
32 DWELLINGS.

33 2. ADDITIONAL TYPES OF MIDDLE HOUSING NOT REQUIRED UNDER THIS
34 SECTION.

35 D. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

36 1. AREAS THAT ARE NOT INCORPORATED.

37 2. AREAS THAT LACK SUFFICIENT URBAN SERVICES.

38 3. AREAS THAT ARE NOT SERVED BY WATER AND SEWER SERVICES.

39 4. AREAS THAT ARE NOT ZONED FOR RESIDENTIAL USE.

40 5. AREAS THAT ARE NOT INCORPORATED AND ARE ZONED UNDER AN INTERIM
41 ZONING DESIGNATION THAT MAINTAINS THE AREA'S POTENTIAL FOR PLANNED URBAN
42 DEVELOPMENT.

43 6. AREAS COVERED UNDER TITLE 48, CHAPTER 6, ARTICLE 4.

44 7. ANY LAND WITHIN THE TERRITORY IN THE VICINITY OF A PUBLIC
45 AIRPORT AS DEFINED IN SECTION 28-8486 OR TO THE EXTENT THIS SECTION WOULD

1 INTERFERE WITH THE PUBLIC AIRPORT'S ABILITY TO COMPLY WITH THE LAWS,
2 REGULATIONS AND REQUIREMENTS OF THE UNITED STATES RELATED TO APPLYING FOR,
3 RECEIVING OR SPENDING FEDERAL MONIES.

4 8. ANY LAND WITHIN THE TERRITORY IN THE VICINITY OF A MILITARY
5 AIRPORT AS DEFINED IN SECTION 28-8461.

6 E. IF A MUNICIPALITY DOES NOT ADOPT THE REGULATIONS REQUIRED BY
7 THIS SECTION ON OR BEFORE JANUARY 1, 2026, MIDDLE HOUSING SHALL BE ALLOWED
8 ON ALL LOTS IN THE MUNICIPALITY ZONED FOR SINGLE-FAMILY RESIDENTIAL USE
9 WITHOUT ANY LIMITATIONS.

10 F. THIS SECTION DOES NOT CHANGE OR OTHERWISE IMPAIR THE TERMS OF
11 ANY DEVELOPMENT AGREEMENT THAT EXISTS ON THE EFFECTIVE DATE OF THIS
12 SECTION.

13 G. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A UTILITY PROVIDER
14 IMPACTED BY A DEVELOPMENT BEING DEVELOPED PURSUANT TO THIS SECTION SHALL
15 HAVE THE OPPORTUNITY TO REVIEW AND APPROVE THE SITE PLAN FOR THE
16 DEVELOPMENT.

17 H. FOR THE PURPOSE OF THIS SECTION:

18 1. "BUILDING CODE":

19 (a) MEANS A CONSTRUCTION CODE ADOPTED BY A MUNICIPALITY.

20 (b) INCLUDES A MODEL BUILDING CODE, COMMERCIAL CODE, PLUMBING AND
21 MECHANICAL CODE, ELECTRIC CODE, ENERGY CONSERVATION CODE, FIRE CODE,
22 PROPERTY MAINTENANCE CODE, NEIGHBORHOOD PRESERVATION CODE, ANTI-BLIGHT
23 CODE OR OTHER SIMILAR CODE.

24 2. "CENTRAL BUSINESS DISTRICT" MEANS AN AREA OR SERIES OF AREAS
25 DESIGNATED BY A MUNICIPALITY THAT ARE PRIMARILY NONINDUSTRIAL AND THAT
26 ATTRACT COMMUNITY ACTIVITY, INCLUDING THE ENTIRE GEOGRAPHIC AREA THAT THE
27 MUNICIPALITY HAS OFFICIALLY DESIGNATED AS ITS DOWNTOWN OR EQUIVALENT ON
28 THE EFFECTIVE DATE OF THE SECTION.

29 3. "DUPLEX" MEANS TWO DWELLING UNITS ON THE SAME PARCEL OR LOT IN
30 ATTACHED, DETACHED OR SEMI-DETACHED ARRANGEMENTS THAT ARE DESIGNED FOR
31 RESIDENTIAL OCCUPANCY BY NOT MORE THAN TWO HOUSEHOLDS LIVING INDEPENDENTLY
32 FROM EACH OTHER.

33 4. "FLOOR AREA RATIO" MEANS THE RATIO OF ALLOWED SQUARE FOOTAGE IN
34 A MIDDLE HOUSING PROJECT TO THE SQUARE FOOTAGE OF THE PARCEL ON WHICH IT
35 IS BUILT.

36 5. "FOURPLEX" MEANS FOUR DWELLING UNITS ON THE SAME PARCEL OR LOT
37 IN ATTACHED, DETACHED OR SEMI-DETACHED ARRANGEMENTS THAT ARE DESIGNED FOR
38 RESIDENTIAL OCCUPANCY BY NOT MORE THAN FOUR HOUSEHOLDS LIVING
39 INDEPENDENTLY FROM EACH OTHER.

40 6. "HOUSEHOLD" MEANS EITHER:

41 (a) A SINGLE PERSON LIVING OR RESIDING IN A DWELLING OR PLACE OF
42 RESIDENCE.

43 (b) TWO OR MORE PERSONS LIVING TOGETHER OR RESIDING IN THE SAME
44 DWELLING OR PLACE OF RESIDENCE.

1 7. "MIDDLE HOUSING":

2 (a) MEANS BUILDINGS THAT ARE COMPATIBLE IN SCALE, FORM AND
3 CHARACTER WITH SINGLE-FAMILY HOUSES AND THAT CONTAIN TWO OR MORE ATTACHED,
4 DETACHED, STACKED OR CLUSTERED HOMES.

5 (b) INCLUDES DUPLEXES, TRIPLEXES, FOURPLEXES AND TOWNHOUSES.

6 8. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
7 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
8 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
9 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE
10 ZONING REGULATIONS.

11 9. "TOWNHOUSES" MEANS DWELLING UNITS THAT ARE CONSTRUCTED IN A ROW
12 OF TWO OR MORE ATTACHED UNITS IN WHICH EACH DWELLING UNIT SHARES AT LEAST
13 ONE COMMON WALL WITH AN ADJACENT UNIT AND THAT ARE ACCESSED BY SEPARATE
14 OUTDOOR ENTRANCES.

15 10. "TRIPLEX" MEANS THREE DWELLING UNITS ON THE SAME PARCEL OR LOT
16 IN ATTACHED, DETACHED OR SEMI-DETACHED ARRANGEMENTS THAT ARE DESIGNED FOR
17 RESIDENTIAL OCCUPANCY BY NOT MORE THAN THREE HOUSEHOLDS LIVING
18 INDEPENDENTLY FROM EACH OTHER.

APPROVED BY THE GOVERNOR MAY 21, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 21, 2024.