

Chair
Joysaphine
Waitman-
Powell

Vice-Chair
Layla
Villasenor

Secretary
Vacant

Member
Nate Cottrell

Member
Julie Egea

Member
Tony Feiter

Member
Emilio Gaynor

Planning and Zoning Commission Meeting Notice & Agenda

Thursday, October 16, 2025

Peoria Public Safety Administration Building

Peoria Room

8351 W. Cinnabar Avenue

Peoria, AZ 85345



Regular Meeting 6:00 PM

Convene

Opening Statement

Roll Call

Final Call to Submit Speaker Request Forms

NOTE: The City of Peoria Boards and Commissions may go into Executive Session at any time during this meeting pursuant to A.R.S. 38-431.03(A)(2) for the purpose of discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained confidential by state or federal law, and pursuant to A.R.S. 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the attorney or attorneys of the public body.

Consent Agenda

CONSENT AGENDA: All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

1 C Disposition of Absence

Discussion and possible action to approve the absence of Vice-Chair Layla Villasenor and Commissioner Tony Feiter from the October 2, 2025, meeting.

2 C Minutes

Discussion and possible action to approve the minutes of the October 2, 2025, meeting.

Regular Agenda

REGULAR AGENDA: All items listed on the Regular Agenda are considered public hearing items subject to separate discussion and action by the Commission unless indicated otherwise by the Commission Chair or by the agenda item description. The order in which the following items are heard may be altered at the discretion of the Commission Chair.

New Business

3 R Middle Housing Code Amendment: TA25-01

Discussion and possible action on a city-initiated Code Amendment pertaining to Section 21-400 Residential Districts of the Zoning Ordinance as well as other applicable sections in response to the passage of HB 2721 ("Middle Housing").

4 R Development Workshop Series – A Deeper Look at the “Entitlement” Process

Discussion and presentation regarding the entitlement process, including an overview of the development process, applicable policy and regulatory documents, public outreach, and procedural due process.

Call To The Public (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff

5. Upcoming Commission Meetings

6 R Reports

Planning and Zoning Commission Updates and Report of Current Events:

Planning and Zoning Commission members will give updates on relevant events and activities they have attended since the last meeting. These items are for information only - no action will be taken.

Adjournment

NOTE:

Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular

business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. *Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.*

Public Notice

In addition to the Board/Commission members noted above, one or more members of the Peoria City Council or various other Boards and Commissions may be present to observe this meeting as noticed on this agenda.

Planning and zoning commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <https://www.peoriaaz.gov/government/departments/planning-and-zoning/planning-and-zoning-videos>.

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
OCTOBER 2, 2025

A meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8351 W Cinnabar Avenue, Peoria, AZ, in an open and public session at 6:00 p.m.

Members Present: Chair Joysaphine Waitman-Powell, Commissioners Julie Egea, Nate Cottrell, and Emilio Gaynor.

Members Absent: Vice-Chair Layla Villasenor and Commissioner Tony Feiter.

Others Present: Chris Jacques – Planning Director, Lorie Dever – Deputy Planning Director, Cody Gleason – Planning Manager, Elias Valencia – Senior Planner, and Christie Duffy – Management Specialist.

Audience: 2

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission and will be enacted by one motion. There will be no separate discussion of these items, unless a Commission member so requests; in which event the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

- 1C **Minutes**
Discussion and possible action to approve the minutes of the September 18, 2025, meeting.

COMMISSION ACTION:

Commissioner Egea moved to approve the consent agenda. The motion was seconded by Commissioner Cottrell and upon vote, passed unanimously 4-0.

REGULAR AGENDA

- 2R **Middle Housing Code Amendment: Study Session**

Planning Director Chris Jacques indicated that the discussion would build upon the previous meeting. While HB2721 is primarily a

preemptive measure, there are four specific areas where the City retains discretion in its implementation. These discretionary items will be brought forward for confirmation later in the meeting by Senior Planner Elias Valencia.

Director Chris Jacques provided an overview of House Bill 2721 (HB2721), clarifying that *Middle Housing* encompasses duplexes, triplexes, fourplexes, and townhouses. He outlined two potential scenarios for applying Middle Housing within the City of Peoria. In the first scenario, Middle Housing would apply to all single-family residential lots located within one mile of the Central Business District (CBD), excluding areas designated as Planned Area Developments (PAD) or Planned Community Developments (PCD).

In the second scenario, HB2721 mandates that municipalities must permit Middle Housing on up to 20% of any new development exceeding ten contiguous acres. If the required code is not adopted by the January 1, 2026, deadline, a penalty clause would compel the City to allow Middle Housing without restriction until the Text Amendment is finalized and codified. Director Chris Jacques assured the Commission that the City remains on track to meet the deadline and implement the necessary language.

During the previous study session, Director Chris Jacques was asked whether Homeowner's Association (HOA) regulations take precedence over the provisions of House Bill 2721. He clarified that the City is not a legal party to HOA Covenants, Conditions, and Restrictions (CC&R's), as these agreements exist solely between the HOA and its residents. From the City's standpoint, such covenants are not enforceable by the city.

The second question addressed whether there is a cap on the number of units allowed on a qualifying Middle Housing lot. Director Jacques explained that these housing types must be treated equivalently to single-family residences. While HB2721 does not specify a maximum unit count, the City's existing code imposes several constraints—such as setbacks, lot coverage, building height, and parking requirements—that effectively limit the scale and type of development. A brief discussion followed.

Senior Planner Elias Valencia presented a summary of the proposed text changes related to Middle Housing in response to the passage of

House Bill 2721 (HB2721), with a focus on provisions. The proposed changes include revision to Section 21-200 to clarify that Accessory Buildings do not include Middle Housing and to introduce a formal definition for Middle Housing. In Section 21-400, Middle Housing would be designated as a principally permitted use, and new development standards would be established to ensure alignment with HB2721. Additionally, Section 21-900 would be updated to modify parking requirements, specifically mandating one parking space per Middle Housing dwelling unit within the residential parking table. Staff expressed confidence that these code modifications will bring the Zoning Ordinance into compliance with the regulatory standards and provisions outlined in HB2721.

Senior Planner Elias Valencia noted that while HB2721 is primarily a preemptive measure, there are four specific areas where the City retained discretion in its implementation. Mr. Valencia presented to Commission staff's recommendation on the proposed code in each of the four areas:

1. Exclusion of PAD and PCD Districts: Staff recommends that Planned Area Developments (PAD) and Planned Community Developments (PCD) be excluded from the definition of Single-Family Residential Districts, as these zoning districts are customized based on the specifics of project being proposed, and can allow Middle Housing types within their existing framework should the developer so choose.
2. Application of the 20% Requirement: HB2721 requires Middle Housing to be allowed on at least 20% of any new development exceeding ten contiguous acres. Staff recommends interpreting the 20% threshold based on gross acreage, rather than unit count, to maintain consistency with model code provided by the Arizona League of Cities and Towns.
3. Floor Area Ratio (FAR) Restrictions: The bill prohibits limiting FAR below 50%. Staff recommends omitting this provision from the Code Amendment, as the City does not utilize FAR in its zoning regulations. Instead, the city utilizes "maximum lot coverage" and "setback" standards, which are analogous to FAR in regulating development intensity within residential settings.

4. Definition of Urban Services: HB2721 exempts Middle Housing from areas lacking water and sewer service, those within the Vicinity of a Military Airport, and those areas without adequate Urban Services. Since the bill does not define “Urban Services”, staff proposes defining them as areas lacking refuse collection, electric utility service, or other essential utilities required for single-family residential properties.

A brief discussion followed the presentation.

3R **Development Workshop Series –
Wireless Communication Facilities**

Planning Manager Cody Gleason provided a comprehensive overview of Wireless Communication Facilities (WCFs), describing them as sites designed to distribute radio frequency (RF) and microwave signals that support the electronic infrastructure of daily life. He explained that both state and federal laws strictly limit what the City can evaluate when reviewing WCF applications. There are two primary types of WCFs—macro sites and small cells—which may be located either within the public Right-of-Way or on private property. The location determines whether the design must be stealth, blending into its surroundings, or non-stealth.

Gleason outlined the federal regulatory framework that preempts local authority. The foundation lies in the 1934 Communications Act, which established broadcasting regulations and created the Federal Communications Commission (FCC). The 1996 Telecommunications Act further facilitated infrastructure development and prohibited local governments from evaluating WCFs based on health concerns related to RF emissions. Subsequent FCC rulings have shaped the permitting process and design standards. Declaratory Ruling 09-99 introduced “Shot Clocks,” which impose strict timelines for permit decisions. Declaratory Ruling 14-153 defined “Substantial Change” in terms of height and width and led to revisions in local zoning ordinances. Declaratory Ruling 18-133 addressed the rollout of 5G technology, introduced aesthetic standards, and established fee structures for small cell installations.

Mr. Gleason emphasized that failure to comply with these federal mandates can result in judicial review, often through expedited court proceedings. Common legal challenges include claims of effective

prohibition of service, lack of substantial evidence for denial, failure to meet required timelines, or unequal treatment of applicants. He noted that WCFs are commonly installed at schools, utility poles, shopping centers, and religious institutions.

During the session, Mr. Gleason addressed frequently asked questions regarding WCF site location, height limitations, health concerns, and design requirements. He also reviewed the application and permitting process in detail. Key takeaways included the limited authority of local jurisdictions under federal and state law, the likelihood of judicial review if a compliant application is denied, the applicability of Shot Clock deadlines regardless of local procedures, the need for aesthetic standards to be reasonable and consistent, and the prohibition against considering health concerns related to RF emissions during the evaluation process.

Call to the Public (Non-Agenda Items): None.

Reports from Staff

6 Upcoming Commission Meetings

Director Jacques announced the next regular Commission meeting will be held on October 16, 2025. The following meetings will be November 6 and 20th.

7 Reports

None.

Planning and Zoning Commission Updates and Report on Current Events:

Chair Waitman-Powell shared that she participated in the ALK Asphalt Blood Draw Event, held in collaboration with AEGIS Health Solutions.

Adjournment: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:53 p.m.

Joysaphine Waitman-Powell, Chair

Submitted by Christie Duffy

Date

Date



PLANNING AND ZONING COMMISSION REPORT

Meeting October 16, 2025

Date:

Agenda Item: 3R

Case Name: Middle Housing Code Amendment: TA25-01

General Application Information

Proposal:

A city-initiated Code Amendment pertaining to Section 21-400 Residential Districts of the Zoning Ordinance as well as other applicable sections in response to the passage of HB 2721 ("Middle Housing").

Location:

City-wide

Project Acreage:

N/A

Applicant:

City of Peoria

ATTACHMENTS:

Description

Staff Report

Exhibit 1 - Briefing Sheet

Exhibit 2 - HB2721 Bill

Exhibit 3 - Draft Ordinance Language

Exhibit 4 - Middle Housing 1-Mile CBD Buffer



PLANNING & ZONING COMMISSION STAFF REPORT

Meeting Date: 10/16/2025

Agenda Item(s): 3R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Elias Valencia, Senior Planner
SUBJECT: Code Amendment for Middle Housing (Case TA25-01)

PURPOSE

This is a city-initiated code amendment to City of Peoria Zoning Ordinance Sections 21-200, 21-400, and 21-900 pertaining to Middle Housing in response to the passage of House Bill 2721. A summary of the purpose of the amendment is to modify the existing provisions to:

- Add and update definitions within Section 21-200 “*Definitions*” to clarify that an Accessory Building is not inclusive of ‘Middle Housing’;
- Add a definition for Middle Housing and identify it as a principally permitted use within Section 21-400 “*Residential Districts*”;
- Add Middle Housing development standards to Section 21-400 “*Residential Districts*” in alignment with HB2721; and
- Add a parking standard within Section 21-900 “*Parking and Loading*” specifically for the residential parking table to require one (1) parking space per Middle Housing dwelling unit.

Staff believes these code modifications will bring the Zoning Ordinance into compliance with the regulatory requirements and provisions of House Bill 2721 (HB2721) and provide for viable implementation of the Middle Housing development type.

BACKGROUND

In 2024, the Arizona state legislature passed several bills that have been signed by the Governor pertaining to municipal zoning, including House Bill 2721: Middle Housing. More specifically, HB2721 requires that by January 1, 2026, municipalities with 75,000 or more persons must allow “Middle Housing” – duplexes, triplexes, fourplexes, and townhomes – as a principally permitted use in all lots zoned single-family residential within 1-mile of the City’s Central Business District (CBD).

HB2721 also identifies that Middle Housing must be permitted within at least 20% of any new development of more than ten (10) contiguous acres. Further, a municipality cannot set restrictions or establish permitting / review processes for Middle Housing that are more restrictive than those for single-family dwellings within the same zone. Along with these provisions, the bill contains several modified development standards which are pre-defined within the bill. Given the scope of these mandated provisions, changes are being proposed within Sections 21-200, 21-400 and 21-900 of the Peoria Zoning Ordinance to address the regulatory requirements of HB2721.

PROPOSED REGULATIONS

Beyond the general intent of the bill referenced above, the bill goes further by obligating municipalities to adopt specific provisions associated with parking, building height, and floor area ratios. As these specific

CODE AMENDMENT: MIDDLE HOUSING (TA25-01)

development standards are mandated without allowance for deviation or exception, they were transmitted into the proposed Zoning Ordinance revisions without alteration.

Aside from the prescriptive provisions of the bill, there were four (4) areas where the bill lacked clarity in the language and as a result staff has sought to clarify those topic areas within the proposed code changes. During the October 2, 2025, Planning and Zoning Commission meeting, the Commission concurred with staff's recommended provisions being drafted into the code language to remove ambiguity from the following four areas:

1. Single Family Residential & Suburban Ranch Zoning District

The bill language references that Middle Housing must be permitted in those lots that are "... zoned for Single-Family Residential Use...". The proposed Zoning Ordinance language seeks to clarify and implement the provisions for what is often referred to as the City of Peoria's 'standard' single family residential zoning districts. The zoning districts that fall within the Single-Family Residential Zoning District include Single Family Residential districts R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7, and R1-6. The term Single-Family is typically also inclusive of the Suburban Ranch Zoning Districts which encompasses the districts SR-43 and SR-35.

A large portion of the City contains the zoning designations of Planned Area Development (PAD) or Planned Community District (PCD) which are intended as customizable zoning districts that can provide any variety of uses and associated development standards which may or may not include allowances for single-family residential uses. As such PADs and PCDs are zoning districts that would not follow the plain language of the bill and are therefore excluded from the applicability of the Middle Housing requirements.

2. 20% of New Development

HB2721 references that 20% of new development of 10 contiguous acres or more would be eligible for Middle Housing. The bill does not go on to clarify what 20% is in reference to, whether that is 20% of the dwelling units or 20% of the area. To provide a clear regulatory framework, the proposed code change seeks to clarify that the 20% shall refer to the project area. By way of example, if a new development of 10 acres were to occur within the City, two (2) acres would be eligible to be developed in accordance with the Middle Housing provisions within the Zoning Ordinance.

3. Floor Area Ratio (FAR)

There are jurisdictions within the State that regulate primarily non-residential development based on what is referred to as Floor Area Ratio (or FAR). FAR is the ratio of a building's total floor area (including all floors and outer walls) to the total area of the land on which the building is built. FAR regulations are meant to function as a measure of intensity for development. For example an FAR of 1 would allow for 100% coverage of a lot with a 1-story building, or a 4-story building covering 25% of the lot, and any variant within those bounds.

Residential development throughout the City of Peoria utilizes a different evaluation method than FARs when looking at the development regulations for a site. Instead, Peoria utilizes the development standards for setbacks, height, and lot coverage to regulate development intensity. Setbacks would establish the proximity boundaries to the property line, height limitations would establish the

maximum height from finished grade for a building, and the lot coverage would limit the maximum ratio of area under roof in comparison to the area of the lot. In keeping with the practices established for residential development within the City, the proposed changes to the Zoning Ordinance seek to maintain those common regulatory practices rather than utilizing Floor Area Ratio as a development standard.

4. Urban Services

The bill provides for certain exceptions where the Middle Housing requirements would not apply. One of those exceptions is regarding those “areas that lack urban services.” The term “urban services” is not defined within the bill, and the bill language already provides an exception for areas not served by water and sewer services. To provide clarity in the utilization of this exception, staff is recommending that “urban services” be defined to mean areas that lack refuse service and electric utility service.

KEY FINDINGS

- Where regulations and provisions associated with Middle Housing in HB2721 are mandated, without allowance for deviation or exception, staff finds the proposed Zoning Ordinance amendment to be in conformance with the legislative requirements.
- Where there is latitude or ambiguity within the bill staff finds that the Zoning Ordinance provisions proposed appropriately tailor the Middle Housing provisions to the community and provide for implementation in alignment with the bill language.

COMMUNITY INVOLVEMENT

Public Meetings:

- Legislative Briefing to Planning and Zoning Commission on May 15, 2025.
- City Council Study Session on September 16, 2025.
- Planning and Zoning Commission Study Session #1 on September 18, 2025.
- Draft ordinance language posted to the City’s website on September 25, 2025.
- Planning and Zoning Commission Study Session #2 on October 2, 2025.

During the September 18, 2025 Planning and Zoning Commission meeting 2 inquiries were made by the Planning and Zoning Commission regarding provisions or limitations created by HB2721. Follow up information was provided at the October 2, 2025 addressing these inquiries and is summarized below for documentation purposes:

Inquiry #1 – If one or more single-family zoned lots were combined, is there a limit to the number of units that could be built on that combined lot?

The limitations to the number of units would be based on what could fit on the property in accordance with the applicable development standards (e.g. setbacks, building height, lot

CODE AMENDMENT: MIDDLE HOUSING (TA25-01)

coverage, etc.) and would not be limited to a specific number of units so long as compliance with the development standard was provided.

Inquiry #2 – Do Homeowner’s Associations (HOA) regulations supersede the proposed ordinance and the bill regulations?

An HOA’s Covenants, Conditions and Restrictions (CC&Rs) are private contractual documents governing a property that runs with the land and exists outside of a regulatory framework that is controlled or overseen by the local jurisdiction.

While certain legislative actions can at times pre-empt HOA regulatory authority, the language within HB2721 does not specifically pre-empt an HOA’s authority in this matter. As CC&Rs are private contracts between the HOA and its residents, the city does not have the legal authority to further limit or control actions by HOAs regarding their limitations for their residents, nor could the city enforce or administer such private agreements. Arguably, attempting to add any such language regarding HOA authority could be seen as an overreach, because it is not expressly authorized in HB2721.

Therefore, the proposed ordinance does not include any such provisions to address HOA limitations to the benefit or detriment of the Middle Housing bill.

Public Noticing:

The application was properly noticed pursuant to Section 21-146 of the Peoria Zoning Ordinance, which includes placing a legal ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition:

One phone call was made from a citizen regarding inquiries about what the City was doing to address the bill. Once the proposed provisions were identified to the caller, they indicated support of the proposal.

POSSIBLE ACTIONS / OPTIONS

- A:** Approve as recommended by staff; or
- B:** Approve in part or with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

Recommend approval of Case TA25-01 to the City Council as proposed in Exhibit 3.

STAFF CONTACT

Elias Valencia
Senior Planner
(623)773-5044
Elias.Valencia@peoriaaz.gov



HB 2721 – Middle Housing

Sponsored by: Representative Michael Carbone (LD25), co-sponsors: Aguilar, Biasiucci

Signed by Governor Hobbes 5/21/24 – Bill had bipartisan support

Passed House 42-15

Passed Senate 21-7

Supported by development community, affordable housing advocates and League of Cities

Bill aims to encourage more diverse housing options

BILL PROVISIONS:

- A. Regulations must be in place by January 1, 2026 – otherwise middle housing is allowed on all lots zoned for single-family residential use without limitations.
- B. Cities over 75,000 population must authorize “middle housing” – duplexes, triplexes, fourplexes and townhomes – as a *permitted use* in the two scenarios below:
 - C. *Permitted Use* means the ability for a development to be approved *without requiring a public hearing*, variance, conditional use permit, special permit or special exception, other than a discretionary action to confirm Site Plan meets requirements.
 - 1. **Scenario 1:** All lots zoned single-family residential use within 1-mile of the City’s *Central Business District (CBD)*.
 - a. Note: The city has designated P83 as its CBD through Resolution 2020-70.
 - b. *Recommendation:* Lots zoned Suburban Ranch and Single-Family Residential. This does not include AG or PAD/PCD’s that allow single-family residential.
 - 2. **Scenario 2:** Within at least 20% of any *new development* of more than ten (10) contiguous acres.
 - a. *New Development* or modifier is not defined in the Bill.
 - b. *Recommendation:* Up to 20% of the gross area of any new development zoned Suburban Ranch or Single-Family Residential.
- D. **PROHIBITIONS.** HB 2721 prohibits a municipality from:
 - 1. Discouraging the development of middle housing cumulatively through its regulations.



PLANNING DEPARTMENT

HB 2721 MIDDLE HOUSING BRIEFING SHEET

9/16/2025

2. Restricting middle housing to single-story. *Currently, single-family residential districts allow up to thirty (30) feet in height, which is typically two stories.*
3. Restricting middle housing to a Floor Area Ratio (FAR) of less than 50%. *FAR is a ratio of the house floor area to the lot area. The City uses "maximum lot coverage", not FAR.*
4. Set restrictions or processing requirements that are more restrictive than single-family residential dwellings in the same zoning district.
5. Require owner occupancy of any structure. *This is not a current requirement.*
6. Require structures to comply with commercial code or to contain a fire sprinkler.
7. Require more than 1 parking space per unit. *We currently require 2.0 spaces per duplex/triplex unit and 2.0 spaces per single-family home with on-street parking.*

E. EXCEPTIONS. This law does not apply to the following:

1. Unincorporated areas ("County Islands") or areas with only Initial Zoning (annexation)
2. Areas that lack sufficient "urban services"
3. Areas not served by water and sewer services
4. Areas not zoned for residential use
5. Land within the territory in the vicinity of a military airport, as defined in ARS Section 28-8461 or a public airport as defined in ARS Section 28-8486
 - a. Note: Large part of southern Peoria within this boundary
6. This law does not change the terms of any area covered by an existing development agreement.
7. Utility providers impacted by a development permitted under this law must have the opportunity to review and approve the Site Plan for the development.

SCHEDULE:

Code Amendment (Case TA 25-01)	
P&Z Commission Study Session #1	5/15/25
City Council Study Session	9/16/25
P&Z Commission Study Session #2	9/18/25
P&Z Commission Study Session #3 – 1 st Reading	10/2/25
P&Z Commission Public Hearing – Recommendation	10/16/25
City Council Meeting – Adoption	11/18/25
Effective Date	12/18/25

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.

Exhibit 3
Draft Ordinance

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING THE PEORIA CITY CODE, CHAPTER 21 SECTIONS 21-200 "DEFINITIONS AND LAND USE CLASSIFICATIONS", 21-400 "RESIDENTIAL DISTRICTS", 21-900 "PARKING AND LOADING", AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Arizona Legislature adopted House Bill (HB) 2721, which codified certain statutory requirements and regulations established pursuant to HB2721, including A.R.S. § 9-462.10 (A), which provides in part, that cities and towns with a population of 75,000 or more must authorize the development regulations, on or before January 1, 2026, pertaining to "duplexes, triplexes, fourplexes, and townhomes"; and

WHEREAS, the City wishes to amend the Zoning Ordinance of the City of Peoria within the Peoria City Code (1992) regarding certain provisions in Sections 21-200 "Definitions and Land Use Classifications", 21-400 "Residential Districts", 21-900 "Parking and Loading", of the Peoria City Code (1992 edition), for the purpose of addressing State of Arizona legislation relating to Middle Housing (HB2721) (the "Ordinance"); and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on October 16, 2025, to consider proposed amendments to the Peoria City Code (1992 edition), after notice in the manner provided by law; and

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance, and manner provided by law including publication of such in the Peoria Times on September 25, 2025; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of October 16, 2025 voted to recommend the Code Amendment Case TA25-01 to the Mayor and Council of the City of Peoria, Arizona; and

WHEREAS, the City Council has considered the probable impact of this Ordinance on the cost to construct housing for sale or rent in accordance with Arizona Revised Statute 9-462.01.E; and

WHEREAS, the City Council has determined the code amendment to the Zoning Ordinance is in conformance with the City of Peoria General Plan, as amended; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend the provisions and associated sections as specified within the Ordinance; and

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

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. Chapter 21 of the Peoria City Code shall be amended to read as indicated in Exhibit A of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this Ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Peoria City Code.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 18th day of November, 2025.

Jason Beck, Mayor

Date Signed

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

Published in: Peoria Times
Publication Date:

Effective Date:

Exhibit A

City Code Amendment

Amendment for Adoption to the Peoria City Code, Chapter 21

Section 1. Amend Chapter 21 - Zoning, Section 21-200 Definitions and Land Use Classifications, only as follows, leaving all other definitions, sections and subsections not specifically referenced unchanged:

Sec. 21-202. Definitions and Land Use Classifications.

- A. The word occupied and the word used shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word dwelling includes the word residence; the word lot includes the words plot or parcel.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows:

A

Accessory Building means a detached, secondary building or structure, which the use of is customarily incidental to the principal (or "main") building on the same lot. Accessory buildings or structures include without limitation private garages, pool houses, sheds, and recreational support building; however, [this definition](#) does not include Accessory Dwelling Units, ~~or~~ [Middle Housing](#).

Section 2. Amend Chapter 21 - Zoning, Section 21-400 Residential Districts, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 21-409. Permitted Principal Uses

- A. Single-Family Dwelling.
- B. Publicly owned and operated parks, recreation areas, and centers.
- C. Soil Crops.
- D. Group Homes, in accordance with Section 21-330.
- E. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited.
- F. Churches, Synagogues, Temples, Chapels, or similar places of worship, and related facilities.
- G. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

[H. Middle Housing, in accordance with Section 21-423.](#)

Sec. 21-416. Permitted Principal Uses

- A. One detached single-family dwelling per lot.
- B. Publicly owned and operated parks, recreation areas, and centers.
- C. Group Homes, in accordance with Section 21-330.

Ordinance 2025-XX

- D. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street. Facilities for the repair or storage of vehicles and equipment shall be prohibited.
- E. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer.
- F. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.
- G. Middle Housing, in accordance with Section 21-423.

Sec. 21-423. ~~Reserved~~ Middle Housing.

- A. Purpose and Applicability. The purpose of Section 21-423 (otherwise referred herein as the Middle Housing Section) is to establish regulations that allow for the development of Middle Housing as defined herein.
- B. Definitions. Terms used in the Middle Housing Section shall have the following definitions and are only applicable to this section unless otherwise specifically stated:

Central Business District. The area identified in Exhibit A "Central Business District Boundary" of Resolution No. 2020-70.

Duplex. Two (2) dwelling units on the same parcel or lot in attached, detached, or semi-detached arrangements that are designed for residential occupancy.

Fourplex. Four (4) dwelling units on the same parcel or lot in attached, detached, or semi-detached arrangements that are designed for residential occupancy.

Middle Housing:

- 1. Buildings that are compatible in scale, form, and character with single-family dwellings and that contain two (2) or more attached, detached, stacked, or clustered dwellings.
- 2. Duplexes, Triplexes, Fourplexes, and Townhomes.

Townhomes. Dwelling units that are constructed in a row of two (2) or more attached units in which each dwelling unit shares at least one common wall with an adjacent unit and that are accessed by separate outdoor entrances.

Triplex. Three (3) dwelling units on the same parcel or lot in attached, detached, or semi-detached arrangements that are designed for residential occupancy.

C. Eligibility.

- 1. Subject to the requirements of the Middle Housing Section, Middle Housing is allowed as a Principally Permitted Use on:
 - a. All lots zoned Suburban Ranch and Single Family Residential where the entire parcel is located within one mile of the designated Central Business District, excluding all Planned Area Development (PAD) and Planned Community District (PCD) Zoning Districts.
 - b. At least twenty (20) percent of the gross area of a new development of more than ten (10) contiguous acres.
- 2. The following areas are not eligible to construct Middle Housing:
 - a. Areas that are not served by water and sewer services;

- b. Areas that lack sufficient urban services;
- c. Any land within the territory in the vicinity of a public airport or of a Military Airport as defined in Title 28, Chapter 25 - Aviation, of the Arizona Revised Statutes.
- D. Application. A property owner seeking to develop Middle Housing on a property zoned for single-family residential use as defined by this Middle Housing Section shall provide Evidence of the following:
 - 1. That the proposed Middle Housing is eligible as a permitted use in accordance with this section; and
 - 2. Adequate existing public sewer and water service, and the ability to serve the proposed development; and
 - 3. Sufficient urban services are in place for the proposed development.
- E. Process. The development shall follow all applicable processes for single family residential dwellings.
- F. Property Development Standards. The development shall comply with the single-family residential dwelling development standards for the relevant district.

Section 3. *Amend Chapter 21 - Zoning, Section 21-900 Parking and Loading, only as follows, leaving all other sections and subsections not specifically referenced unchanged:*

Sec. 21-903. Parking Requirements

B. *Off-Street Parking Requirements.* The following minimum number of off-street, paved parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth: Any proposed uses not listed herein will be determined through the site plan approval process.

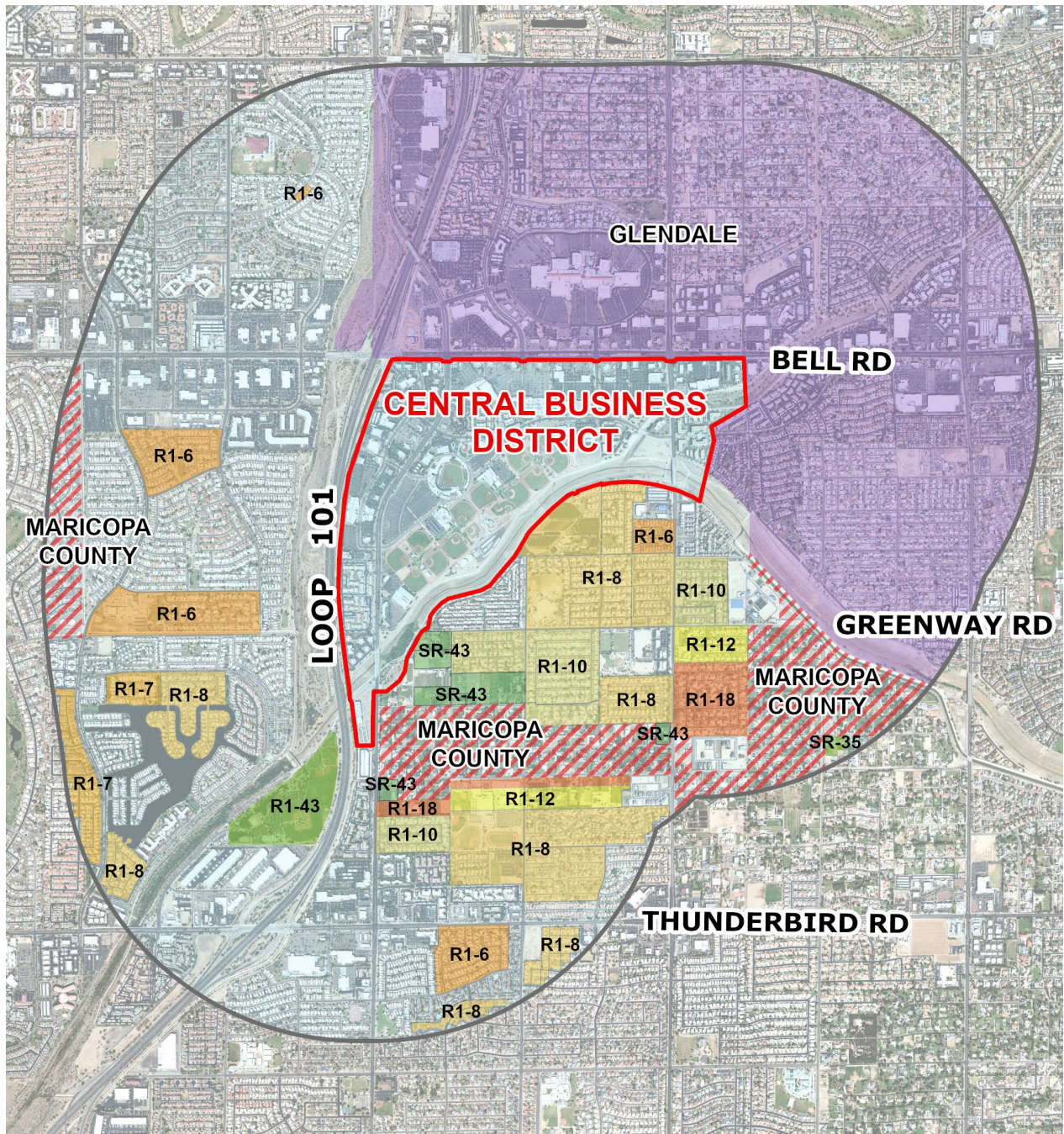
1. *Residential Uses.*

Parking Spaces Required		
Dwelling Type	With On-Street Parking	Without On-Street Parking
Single-family	2.0 spaces/unit	3.0 spaces/unit
Mobile Homes	2.0 spaces/unit	3.0 spaces/unit
Two-family	2.0 spaces/unit	2.0 spaces/unit ^a
Three-family	2.0 spaces/unit	2.0 spaces/unit ^a
<u>Middle Housing</u>	<u>1.0 space/unit</u>	<u>1.0 space/unit</u>
Multi-Family^b		
Efficiency/Studio	1.0 spaces/unit	1.0 spaces/unit
One Bedroom	1.5 spaces/unit	1.5 spaces/unit
Two or More Bedrooms	2.0 spaces/unit	2.0 spaces/unit
^a In addition to the required spaces, .25 guest spaces per unit shall be included. ^b In addition to the required spaces, one (1) guest space for each ten (10) units shall be included. ^c MF Standards		



Middle Housing 1-Mile CBD Buffer | Exhibit 4

MIDDLE HOUSING (TA25-01)





PLANNING & ZONING COMMISSION STAFF MEMORANDUM

Meeting Date: 10/16/2025

Agenda Item: 4R

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Lorie Dever, Deputy Planning Director
SUBJECT: Development Workshop Series – A Deeper Look at the “Entitlement” Process

Discussion:

This is part of an on-going series of interactive workshops with the Planning and Zoning Commission to cover a range of topics related to development within the City of Peoria.

During tonight’s meeting, staff will present and discuss with Commission the following:

- Overview of the “*Development Process*” – from vacant land to the built environment;
- Synopsis on how determination is made on which application processes are required;
- Summary of the policy and regulatory documents applied to the various development applications;
- Common misconceptions between the General Plan, Specific Area Plans, and Zoning;
- Public outreach; and
- Procedural due process.