

House Engrossed
municipal zoning; middle housing

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

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; definitions
5 A. ON OR BEFORE JANUARY 1, 2026, A MUNICIPALITY WITH A POPULATION
6 OF SEVENTY-FIVE THOUSAND PERSONS OR MORE MUST AUTHORIZE BY ORDINANCE AND
7 INCORPORATE INTO ITS DEVELOPMENT REGULATIONS, ZONING REGULATIONS AND OTHER
8 OFFICIAL CONTROLS THE DEVELOPMENT OF DUPLEXES, TRIPLEXES, FOURPLEXES,
9 FIVEPLEXES AND TOWNHOMES AS A PERMITTED USE ON ALL LOTS ZONED FOR
10 SINGLE-FAMILY RESIDENTIAL USE.
11 B. THE MUNICIPALITY MAY NOT DO ANY OF THE FOLLOWING:
12 1. DISCOURAGE THE DEVELOPMENT OF MIDDLE HOUSING THROUGH
13 UNREASONABLE COSTS, FEES, DELAYS OR OTHER REQUIREMENTS OR ACTIONS, WHICH
14 INDIVIDUALLY OR CUMULATIVELY MAKE IMPRACTICABLE THE PERMITTING, SITING, OR
15 CONSTRUCTION OF MIDDLE HOUSING.
16 2. RESTRICT MIDDLE HOUSING TYPES TO LESS THAN TWO FLOORS OR A FLOOR
17 AREA RATIO OF LESS THAN ONE.
18 3. SET RESTRICTIONS, PERMITTING OR REVIEW PROCESSES FOR MIDDLE
19 HOUSING THAT ARE MORE RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS
20 WITHIN THE SAME ZONE.
21 4. REQUIRE OWNER OCCUPANCY OF ANY STRUCTURES ON THE LOT.
22 5. REQUIRE ANY STRUCTURES TO COMPLY WITH A COMMERCIAL BUILDING CODE
23 OR TO CONTAIN A FIRE SPRINKLER.
24 C. THE MUNICIPALITY SHALL ALLOW THE PROPERTY OWNER TO DETERMINE THE
25 LOCATION, NUMBER AND FORM OF OFF-STREET VEHICLE PARKING SPACES.
26 D. THIS SECTION DOES NOT PROHIBIT THE GOVERNING BODY OF A
27 MUNICIPALITY FROM ALLOWING EITHER OF THE FOLLOWING:
28 1. SINGLE-FAMILY DWELLINGS IN AREAS ZONED FOR SINGLE-FAMILY
29 DWELLINGS.
30 2. ADDITIONAL TYPES OF MIDDLE HOUSING NOT REQUIRED UNDER THIS
31 SECTION.
32 E. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:
33 1. AREAS THAT ARE NOT INCORPORATED.
34 2. AREAS THAT LACK SUFFICIENT URBAN SERVICES.
35 3. AREAS THAT ARE NOT SERVED BY MUNICIPAL WATER AND SEWER SERVICES.
36 4. AREAS THAT ARE NOT ZONED FOR RESIDENTIAL USE.
37 5. AREAS THAT ARE NOT INCORPORATED AND ARE ZONED UNDER AN INTERIM
38 ZONING DESIGNATION THAT MAINTAINS THE AREA'S POTENTIAL FOR PLANNED URBAN
39 DEVELOPMENT.
40 F. IF A MUNICIPALITY DOES NOT ADOPT THE REGULATIONS REQUIRED BY
41 THIS SECTION ON OR BEFORE JANUARY 1, 2026, MIDDLE HOUSING SHALL BE ALLOWED
42 ON ALL LOTS IN THE MUNICIPALITY ZONED FOR SINGLE-FAMILY RESIDENTIAL USE
43 WITHOUT ANY LIMITATIONS.

- 1 G. FOR THE PURPOSE OF THIS SECTION:
2 1. "DUPLEX" MEANS A PARCEL OR LOT WITH TWO DWELLING UNITS THAT ARE
3 DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN TWO HOUSEHOLDS LIVING
4 INDEPENDENTLY FROM EACH OTHER.
5 2. "FIVEPLEX" MEANS A PARCEL OR LOT WITH FIVE DWELLING UNITS THAT
6 ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN FIVE HOUSEHOLDS
7 LIVING INDEPENDENTLY FROM EACH OTHER.
8 3. "FLOOR AREA RATIO" MEANS THE RATIO OF ALLOWED SQUARE FOOTAGE IN
9 A MIDDLE HOUSING PROJECT TO THE SQUARE FOOTAGE OF THE PARCEL ON WHICH IT
10 IS BUILT.
11 4. "FOURPLEX" MEANS A PARCEL OR LOT WITH FOUR DWELLING UNITS THAT
12 ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN FOUR HOUSEHOLDS
13 LIVING INDEPENDENTLY FROM EACH OTHER.
14 5. "HOUSEHOLD" MEANS EITHER:
15 (a) A SINGLE PERSON LIVING OR RESIDING IN A DWELLING OR PLACE OF
16 RESIDENCE.
17 (b) TWO OR MORE PERSONS LIVING TOGETHER OR RESIDING IN THE SAME
18 DWELLING OR PLACE OF RESIDENCE.
19 6. "MIDDLE HOUSING":
20 (a) MEANS BUILDINGS THAT ARE COMPATIBLE IN SCALE, FORM AND
21 CHARACTER WITH SINGLE-FAMILY HOUSES AND THAT CONTAIN TWO OR MORE ATTACHED,
22 DETACHED, STACKED OR CLUSTERED HOMES.
23 (b) INCLUDES DUPLEXES, TRIPLEXES, FOURPLEXES, FIVEPLEXES AND
24 TOWNHOUSES.
25 7. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
26 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
27 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
28 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE
29 ZONING REGULATIONS.
30 8. "TOWNHOUSES" MEANS DWELLING UNITS THAT ARE CONSTRUCTED IN A ROW
31 OF TWO OR MORE ATTACHED UNITS IN WHICH EACH DWELLING UNIT SHARES AT LEAST
32 ONE COMMON WALL WITH AN ADJACENT UNIT AND THAT ARE ACCESSED BY SEPARATE
33 OUTDOOR ENTRANCES.
34 9. "TRIPLEX" MEANS A PARCEL OR LOT WITH THREE DWELLING UNITS THAT
35 ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN THREE HOUSEHOLDS
36 LIVING INDEPENDENTLY FROM EACH OTHER.