

REFERENCE TITLE: **municipal zoning; middle housing**

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

## **HB 2721**

Introduced by  
Representatives Carbone: Aguilar, Biasiucci, Cook, Grantham, Hernandez C,  
Livingston, Ortiz, Peña, Smith, Wilmeth; Senators Borrelli, Farnsworth,  
Fernandez, Hernandez, Petersen, Shamp

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.