

REFERENCE TITLE: accessory dwelling units; codes; owners

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1110

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTION 9-461.18, ARIZONA REVISED STATUTES; RELATING TO ACCESSORY DWELLING UNITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-461.18, Arizona Revised Statutes, is amended
3 to read:

4 9-461.18. Accessory dwelling units; regulation;
5 applicability; definitions

6 A. A municipality with a population of more than seventy-five
7 thousand persons shall adopt regulations that allow on any lot or parcel
8 where a single-family dwelling is allowed all of the following:

9 1. At least one attached and one detached accessory dwelling unit
10 as a permitted use.

11 2. A minimum of one additional detached accessory dwelling unit as
12 a permitted use on a lot or parcel that is one acre or more in size if at
13 least one accessory dwelling unit on the lot or parcel is a
14 restricted-affordable dwelling unit.

15 3. An accessory dwelling unit that is seventy-five percent of the
16 gross floor area of the single-family dwelling on the same lot or parcel
17 or one thousand square feet, whichever is less.

18 B. A municipality may not do any of the following:

19 1. Prohibit the use or advertisement of either the single-family
20 dwelling or any accessory dwelling unit located on the same lot or parcel
21 as separately leased long-term rental housing **IF THE OWNER OF THE PROPERTY**
22 **RESIDES ON THE PROPERTY.**

23 2. Require a familial, marital, employment or other preexisting
24 relationship between the owner or occupant of a single-family dwelling and
25 the occupant of an accessory dwelling unit located on the same lot or
26 parcel.

27 3. Require that a lot or parcel have additional parking to
28 accommodate an accessory dwelling unit or require payment of fees instead
29 of additional parking.

30 4. Require that an accessory dwelling unit match the exterior
31 design, roof pitch or finishing materials of the single-family dwelling
32 that is located on the same lot as the accessory dwelling unit.

33 5. Set restrictions for accessory dwelling units that are more
34 restrictive than those for single-family dwellings within the same zoning
35 area with regard to height, setbacks, lot size or coverage or building
36 frontage.

37 6. Set rear or side setbacks for accessory dwelling units that are
38 more than five feet from the property line.

39 7. Require improvements to public streets as a condition of
40 allowing an accessory dwelling unit, except as necessary to reconstruct or
41 repair a public street that is disturbed as a result of the construction
42 of the accessory dwelling unit.

43 8. Require a restrictive covenant concerning an accessory dwelling
44 unit on a lot or parcel zoned for residential use by a single-family
45 dwelling.

1 C. This section does not prohibit restrictive covenants concerning
2 accessory dwelling units entered into between private parties. The
3 municipality may not condition a permit, license or use of an accessory
4 dwelling unit on adopting or implementing a restrictive covenant between
5 private parties.

6 D. This section does not supersede applicable building codes, fire
7 codes or public health and safety regulations, ~~except that a municipality~~
8 ~~may not require an accessory dwelling unit to comply with a commercial~~
9 ~~building code or contain a fire sprinkler.~~

10 E. An accessory dwelling unit may not be built on top of a current
11 or planned public utility easement unless the property owner receives
12 written consent from any utility that is currently using the public
13 utility easement or that may use the public utility easement in the
14 future.

15 F. If a municipality fails to adopt development regulations as
16 required by this section on or before January 1, 2025, accessory dwelling
17 units shall be allowed on all lots or parcels zoned for residential use in
18 the municipality without limits.

19 G. This section does not apply to lots or parcels that are located
20 on tribal land, on land in the territory in the vicinity of a military
21 airport or ancillary military facility as defined in section 28-8461, on
22 land in the territory in the vicinity of a federal aviation administration
23 commercially licensed airport or a general aviation airport or on land in
24 the territory in the vicinity of a public airport as defined in section
25 28-8486.

26 H. For the purposes of this section:

27 1. "Accessory dwelling unit" means a self-contained living unit
28 that is on the same lot or parcel as a single-family dwelling of greater
29 square footage than the accessory dwelling unit, that includes its own
30 sleeping and sanitation facilities and that may include its own kitchen
31 facilities.

32 2. "Gross floor area" means the interior habitable area of a
33 single-family dwelling or an accessory dwelling unit.

34 3. "Long-term rental" means rental use in which the tenant holds a
35 lease of ninety days or longer or on a month-by-month basis.

36 4. "Municipality" means a city or town that exercises zoning powers
37 under this title.

38 5. "Permitted use" means the ability for a development to be
39 approved without requiring a public hearing, variance, conditional use
40 permit, special permit or special exception, other than a discretionary
41 zoning action to ~~determination~~ DETERMINE that a site plan conforms with
42 applicable zoning regulations.

1 6. "Restricted-affordable dwelling unit" means a dwelling unit
2 that, either through a deed restriction or a development agreement with
3 the municipality, ~~shall be~~ IS rented to households earning up to eighty
4 percent of area median income.