

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1118
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 9-462.13, Arizona Revised Statutes, is amended
3 to read:

4 9-462.13. 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.

1 5. Areas that are not incorporated and are zoned under an interim
2 zoning designation that maintains the area's potential for planned urban
3 development.

4 6. Areas covered under title 48, chapter 6, article 4.

5 7. Any land within the territory in the vicinity of a public
6 airport as defined in section 28-8486 or to the extent this section would
7 interfere with the public airport's ability to comply with the laws,
8 regulations and requirements of the United States related to applying for,
9 receiving or spending federal monies.

10 8. Any land within the territory in the vicinity of a military
11 airport as defined in section 28-8461.

12 E. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY ALLOW MIDDLE
13 HOUSING THAT IS DEVELOPED IN AN AREA DESIGNATED AS HISTORIC BY THE
14 MUNICIPALITY OR IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL
15 REGISTER OF HISTORIC PLACES IF THE MIDDLE HOUSING IS DESIGNED TO BE
16 COMPATIBLE WITH THE HISTORIC CHARACTER, SCALE AND SETTING OF THE
17 SURROUNDING AREA.

18 F. FOR MIDDLE HOUSING THAT IS DEVELOPED PURSUANT TO SUBSECTION E OF
19 THIS SECTION:

20 1. THE MUNICIPALITY MAY REQUIRE THAT THE MIDDLE HOUSING COMPLY WITH
21 THE HISTORIC PRESERVATION OR DESIGN STANDARDS ADOPTED BY THE MUNICIPALITY
22 OR, IF THE MUNICIPALITY HAS NOT ADOPTED HISTORIC PRESERVATION OR DESIGN
23 STANDARDS, WITH THE UNITED STATES SECRETARY OF THE INTERIOR'S STANDARDS
24 FOR THE TREATMENT OF HISTORIC PROPERTIES, INCLUDING THE STANDARDS
25 GOVERNING REHABILITATION AND NEW CONSTRUCTION.

26 2. THE MUNICIPALITY MAY REGULATE STANDARDS, INCLUDING BUILDING
27 HEIGHT, MASSING, LOT COVERAGE, SETBACKS, ROOF FORM, SITE LAYOUT AND
28 OVERALL BUILDING VOLUME.

29 3. MIDDLE HOUSING MAY NOT EXCEED THE MAXIMUM BUILDING HEIGHT, LOT
30 COVERAGE OR FLOOR AREA RATIO THAT IS ALLOWED BY APPLICABLE ZONING
31 REGULATIONS THAT WERE ADOPTED BEFORE JANUARY 1, 2025.

32 G. UNLESS STRICTER ZONING REGULATIONS ARE REQUIRED BY APPLICABLE
33 HISTORIC PRESERVATION STANDARDS, A MUNICIPALITY MAY REQUIRE ADMINISTRATIVE
34 SITE PLAN REVIEW SOLELY FOR THE PURPOSE OF CONFIRMING COMPLIANCE WITH
35 APPLICABLE STANDARDS, BUT MAY NOT REQUIRE A PUBLIC HEARING, VARIANCE,
36 CONDITIONAL USE PERMIT, SPECIAL PERMIT OR OTHER DISCRETIONARY APPROVAL
37 PROCESS FOR DEVELOPING MIDDLE HOUSING PURSUANT TO SUBSECTION E OF THIS
38 SECTION.

39 H. NOTWITHSTANDING ANY OTHER LAW, MIDDLE HOUSING THAT IS DEVELOPED
40 PURSUANT TO THIS SECTION MAY NOT BE DEVELOPED ON A SITE WHERE A STRUCTURE
41 THAT IS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR THAT IS
42 DESIGNATED AS HISTORIC BY THE MUNICIPALITY WAS DEMOLISHED UNLESS THE
43 DEMOLITION OF THE STRUCTURE WAS NECESSARY BECAUSE A CONDITION OR
44 CONDITIONS EXIST THAT CONSTITUTE A DANGER TO PUBLIC HEALTH, SAFETY AND
45 WELFARE, AS DEFINED BY A MUNICIPAL ORDINANCE, AND THE EXISTENCE OF THOSE
46 CONDITIONS ARE CERTIFIED BY A LICENSED ENGINEER OR BUILDING CODE OFFICIAL.

47 ~~E.~~ I. If a municipality does not adopt the regulations required by
48 this section on or before January 1, 2026, middle housing shall be allowed

1 on all lots in the municipality zoned for single-family residential use
2 without any limitations.

3 ~~F.~~ J. This section does not change or otherwise impair the terms
4 of any development agreement that exists on September 14, 2024.

5 ~~G.~~ K. Notwithstanding subsection A of this section, a utility
6 provider impacted by a development being developed pursuant to this
7 section shall have the opportunity to review and approve the site plan for
8 the development.

9 ~~H.~~ L. For the ~~purpose~~ PURPOSES of this section:

10 1. "Building code":

11 (a) Means a construction code adopted by a municipality.

12 (b) Includes a model building code, commercial code, plumbing and
13 mechanical code, electric code, energy conservation code, fire code,
14 property maintenance code, neighborhood preservation code, antiblight code
15 or other similar code.

16 2. "Central business district" means an area or series of areas
17 designated by a municipality that are primarily nonindustrial and that
18 attract community activity, including the entire geographic area that the
19 municipality has officially designated as its downtown or equivalent on
20 September 14, 2024.

21 3. "Duplex" means two dwelling units on the same parcel or lot in
22 attached, detached or semidetached arrangements that are designed for
23 residential occupancy by not more than two households living independently
24 from each other.

25 4. "Floor area ratio" means the ratio of allowed square footage in
26 a middle housing project to the square footage of the parcel on which it
27 is built.

28 5. "Fourplex" means four dwelling units on the same parcel or lot
29 in attached, detached or semidetached arrangements that are designed for
30 residential occupancy by not more than four households living
31 independently from each other.

32 6. "Household" means either:

33 (a) A single person living or residing in a dwelling or place of
34 residence.

35 (b) Two or more persons living together or residing in the same
36 dwelling or place of residence.

37 7. "Middle housing":

38 (a) Means buildings that are compatible in scale, form and
39 character with single-family houses and that contain two or more attached,
40 detached, stacked or clustered homes.

41 (b) Includes duplexes, triplexes, fourplexes and townhouses.

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

47 9. "Townhouses" means dwelling units that are constructed in a row
48 of two or more attached units in which each dwelling unit shares at least

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1 one common wall with an adjacent unit and that are accessed by separate
2 outdoor entrances.

3 10. "Triplex" means three dwelling units on the same parcel or lot
4 in attached, detached or semidetached arrangements that are designed for
5 residential occupancy by not more than three households living
6 independently from each other."

7 Amend title to conform

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