

House Engrossed Senate Bill

~~rural hospitals; radiation protection grants~~
(now: historic neighborhoods; housing; zoning)

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1118

AN ACT

AMENDING SECTION 9-462.13, ARIZONA REVISED STATUTES; 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. 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.

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. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY MAY ALLOW MIDDLE
7 HOUSING THAT IS DEVELOPED IN AN AREA DESIGNATED AS HISTORIC BY THE
8 MUNICIPALITY OR IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL
9 REGISTER OF HISTORIC PLACES IF THE MIDDLE HOUSING IS DESIGNED TO BE
10 COMPATIBLE WITH THE HISTORIC CHARACTER, SCALE AND SETTING OF THE
11 SURROUNDING AREA.

12 F. FOR MIDDLE HOUSING THAT IS DEVELOPED PURSUANT TO SUBSECTION E OF
13 THIS SECTION, THE MUNICIPALITY MAY REQUIRE THAT THE MIDDLE HOUSING COMPLY
14 WITH THE HISTORIC PRESERVATION OR DESIGN STANDARDS ADOPTED BY THE
15 MUNICIPALITY OR, IF THE MUNICIPALITY HAS NOT ADOPTED HISTORIC PRESERVATION
16 OR DESIGN STANDARDS, WITH THE UNITED STATES SECRETARY OF THE INTERIOR'S
17 STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES, INCLUDING THE
18 STANDARDS GOVERNING REHABILITATION AND NEW CONSTRUCTION.

19 G. UNLESS STRICTER ZONING REGULATIONS ARE REQUIRED BY APPLICABLE
20 HISTORIC PRESERVATION STANDARDS, A MUNICIPALITY MAY REQUIRE ADMINISTRATIVE
21 SITE PLAN REVIEW SOLELY FOR THE PURPOSE OF CONFIRMING COMPLIANCE WITH
22 APPLICABLE STANDARDS, BUT MAY NOT REQUIRE A PUBLIC HEARING, VARIANCE,
23 CONDITIONAL USE PERMIT, SPECIAL PERMIT OR OTHER DISCRETIONARY APPROVAL
24 PROCESS FOR DEVELOPING MIDDLE HOUSING PURSUANT TO SUBSECTION E OF THIS
25 SECTION.

26 H. NOTWITHSTANDING ANY OTHER LAW, MIDDLE HOUSING THAT IS DEVELOPED
27 PURSUANT TO THIS SECTION MAY NOT BE DEVELOPED ON A SITE WHERE A STRUCTURE
28 THAT IS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES WAS DEMOLISHED
29 UNLESS THE DEMOLITION OF THE STRUCTURE WAS NECESSARY BECAUSE A CONDITION
30 OR CONDITIONS EXIST THAT CONSTITUTE A DANGER TO PUBLIC HEALTH, SAFETY AND
31 WELFARE, AS DEFINED BY A MUNICIPAL ORDINANCE, AND THE EXISTENCE OF THOSE
32 CONDITIONS ARE CERTIFIED BY A LICENSED ENGINEER OR BUILDING CODE OFFICIAL.

33 ~~F.~~ I. If a municipality does not adopt the regulations required by
34 this section on or before January 1, 2026, middle housing shall be allowed
35 on all lots in the municipality zoned for single-family residential use
36 without any limitations.

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

39 ~~G.~~ K. Notwithstanding subsection A of this section, a utility
40 provider impacted by a development being developed pursuant to this
41 section shall have the opportunity to review and approve the site plan for
42 the development.

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

44 1. "Building code":

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

1 (b) Includes a model building code, commercial code, plumbing and
2 mechanical code, electric code, energy conservation code, fire code,
3 property maintenance code, neighborhood preservation code, antiblight code
4 or other similar code.

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

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

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

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

21 6. "Household" means either:

22 (a) A single person living or residing in a dwelling or place of
23 residence.

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

26 7. "Middle housing":

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

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

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

36 9. "Townhouses" means dwelling units that are constructed in a row
37 of two or more attached units in which each dwelling unit shares at least
38 one common wall with an adjacent unit and that are accessed by separate
39 outdoor entrances.

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