

REFERENCE TITLE: accessory dwelling units; fire sprinklers

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

SB 1183

Introduced by
Senators Kavanagh: Kuby

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 shall adopt regulations that allow ALL OF THE
7 FOLLOWING on any lot or parcel where a single-family dwelling is allowed
8 ~~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.

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

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

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

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

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

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

42 8. Require a restrictive covenant concerning an accessory dwelling
43 unit on a lot or parcel zoned for residential use by a single-family
44 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 **UNLESS THE MUNICIPALITY ADOPTED**
10 **A RESIDENTIAL FIRE SPRINKLER ORDINANCE BEFORE DECEMBER 31, 2009. IF THE**
11 **MUNICIPALITY ADOPTED A RESIDENTIAL FIRE SPRINKLER ORDINANCE BEFORE**
12 **DECEMBER 31, 2009, THE MUNICIPALITY MAY REQUIRE AN ACCESSORY DWELLING UNIT**
13 **TO COMPLY WITH THAT ORDINANCE TO THE SAME EXTENT AND IN THE SAME MANNER AS**
14 **ANOTHER RESIDENTIAL DWELLING UNIT THAT IS SUBJECT TO THE SAME ORDINANCE.**

15 E. An accessory dwelling unit may not be built on top of a current
16 or planned public utility easement unless the property owner receives
17 written consent from any utility that is currently using the public
18 utility easement or that may use the public utility easement in the
19 future.

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

24 G. This section does not apply to lots or parcels that are located
25 on:

- 26 1. Tribal land.
- 27 2. Land that is in the territory in the vicinity of a military
28 airport or ancillary military facility as defined in section 28-8461.
- 29 3. Land that is in the territory in the vicinity of a federal
30 aviation administration commercially licensed airport or a general
31 aviation airport or land that is in the territory in the vicinity of a
32 public airport as defined in section 28-8486 and that has a noise level of
33 greater than sixty-five decibels.

34 H. This section applies to a municipality with a population of more
35 than seventy-five thousand persons.

36 I. For the purposes of this section:

- 37 1. "Accessory dwelling unit" means a self-contained living unit
38 that is on the same lot or parcel as a single-family dwelling of greater
39 square footage than the accessory dwelling unit, that includes its own
40 sleeping and sanitation facilities and that may include its own kitchen
41 facilities.
- 42 2. "Gross floor area" means the interior habitable area of a
43 single-family dwelling or an accessory dwelling unit.
- 44 3. "Long-term rental" means rental use in which the tenant holds a
45 lease of ninety days or longer or on a month-by-month basis.

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

3 5. "Permitted use" means the ability for a development to be
4 approved without requiring a public hearing, variance, conditional use
5 permit, special permit or special exception, other than a discretionary
6 zoning action to determine that a site plan conforms with applicable
7 zoning regulations.

8 6. "Restricted-affordable dwelling unit" means a dwelling unit
9 that, either through a deed restriction or a development agreement with
10 the municipality, is rented to households earning up to eighty percent of
11 [THE](#) area median income.