

REFERENCE TITLE: accessory dwelling unit; requirements

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

HB 2299

Introduced by
Representatives Austin: Aguilar, Ortiz, Villegas

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-820.04; RELATING TO PLANNING AND 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. Accessory dwelling unit; requirements; permitting;
5 definition

6 A. A MUNICIPALITY MAY ADOPT AN ORDINANCE THAT PROVIDES FOR THE
7 DEVELOPMENT OF AN ACCESSORY DWELLING UNIT IN AN AREA ZONED TO ALLOW
8 SINGLE-FAMILY OR MULTIFAMILY USE. THE ORDINANCE SHALL:

9 1. DESIGNATE AREAS WITHIN THE MUNICIPALITY WHERE AN ACCESSORY
10 DWELLING UNIT MAY BE PERMITTED.

11 2. IMPOSE STANDARDS FOR AN ACCESSORY DWELLING UNIT. THE STANDARDS:

12 (a) MAY INCLUDE REQUIREMENTS FOR:

13 (i) PARKING.

14 (ii) HEIGHT.

15 (iii) SETBACKS.

16 (iv) LANDSCAPE.

17 (v) ARCHITECTURAL REVIEW.

18 (vi) MINIMUM AND MAXIMUM SIZE OF A UNIT.

19 (b) MAY NOT INCLUDE REQUIREMENTS FOR MINIMUM LOT SIZE.

20 3. PROVIDE THAT AN ACCESSORY DWELLING UNIT MAY NOT EXCEED THE
21 ALLOWABLE DENSITY FOR THE LOT ON WHICH THE ACCESSORY DWELLING UNIT IS
22 LOCATED.

23 4. REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH ALL OF THE
24 FOLLOWING:

25 (a) THE ACCESSORY DWELLING UNIT MAY NOT BE SOLD OR OTHERWISE
26 CONVEYED SEPARATELY FROM THE PRIMARY RESIDENCE.

27 (b) THE ACCESSORY DWELLING UNIT MAY BE EITHER ATTACHED TO OR
28 LOCATED WITHIN THE PROPOSED EXISTING PRIMARY DWELLING UNIT OR BE DETACHED
29 FROM THE PROPOSED OR EXISTING PRIMARY DWELLING UNIT AND LOCATED ON THE
30 SAME LOT AS THE PROPOSED OR EXISTING PRIMARY DWELLING UNIT.

31 (c) THE TOTAL SQUARE FOOTAGE OF AN ATTACHED ACCESSORY DWELLING UNIT
32 MAY NOT EXCEED FIFTY PERCENT OF THE EXISTING PRIMARY DWELLING.

33 (d) THE TOTAL SQUARE FOOTAGE OF A DETACHED ACCESSORY DWELLING UNIT
34 MAY NOT EXCEED TWELVE HUNDRED SQUARE FEET.

35 B. THE MUNICIPALITY SHALL ACT ON A PERMIT APPLICATION FOR AN
36 ACCESSORY DWELLING UNIT WITHIN SIXTY DAYS AFTER THE DATE THE MUNICIPALITY
37 RECEIVES A COMPLETED APPLICATION IF THERE IS AN EXISTING SINGLE-FAMILY OR
38 MULTIFAMILY DWELLING ON THE LOT.

39 C. FOR THE PURPOSES OF THIS SECTION, "ACCESSORY DWELLING UNIT"
40 MEANS AN ATTACHED OR DETACHED RESIDENTIAL DWELLING UNIT THAT PROVIDES
41 COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS AND THAT IS
42 LOCATED ON A LOT WITH A PROPOSED OR EXISTING PRIMARY RESIDENTIAL UNIT.

1 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,
2 is amended by adding section 11-820.04, to read:
3 11-820.04. Accessory dwelling unit; requirements; permitting;
4 definition
5 A. A COUNTY MAY ADOPT AN ORDINANCE THAT PROVIDES FOR THE
6 DEVELOPMENT OF AN ACCESSORY DWELLING UNIT IN AN AREA ZONED TO ALLOW
7 SINGLE-FAMILY OR MULTIFAMILY USE. THE ORDINANCE SHALL:
8 1. DESIGNATE AREAS WITHIN THE COUNTY WHERE AN ACCESSORY DWELLING
9 UNIT MAY BE PERMITTED.
10 2. IMPOSE STANDARDS FOR AN ACCESSORY DWELLING UNIT. THE STANDARDS:
11 (a) MAY INCLUDE REQUIREMENTS FOR:
12 (i) PARKING.
13 (ii) HEIGHT.
14 (iii) SETBACKS.
15 (iv) LANDSCAPE.
16 (v) ARCHITECTURAL REVIEW.
17 (vi) MINIMUM AND MAXIMUM SIZE OF THE ACCESSORY DWELLING UNIT.
18 (b) MAY NOT INCLUDE REQUIREMENTS FOR MINIMUM LOT SIZE.
19 3. PROVIDE THAT AN ACCESSORY DWELLING UNIT MAY NOT EXCEED THE
20 ALLOWABLE DENSITY FOR THE LOT ON WHICH THE ACCESSORY DWELLING UNIT IS
21 LOCATED.
22 4. REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH ALL OF THE
23 FOLLOWING:
24 (a) THE ACCESSORY DWELLING UNIT MAY NOT BE SOLD OR OTHERWISE
25 CONVEYED SEPARATELY FROM THE PRIMARY RESIDENCE.
26 (b) THE ACCESSORY DWELLING UNIT MAY BE EITHER ATTACHED TO OR
27 LOCATED WITHIN THE PROPOSED EXISTING PRIMARY DWELLING UNIT OR BE DETACHED
28 FROM THE PROPOSED OR EXISTING PRIMARY DWELLING UNIT AND LOCATED ON THE
29 SAME LOT AS THE PROPOSED OR EXISTING PRIMARY DWELLING UNIT.
30 (c) THE TOTAL SQUARE FOOTAGE OF AN ATTACHED ACCESSORY DWELLING UNIT
31 MAY NOT EXCEED FIFTY PERCENT OF THE EXISTING PRIMARY DWELLING.
32 (d) THE TOTAL SQUARE FOOTAGE OF A DETACHED ACCESSORY DWELLING UNIT
33 MAY NOT EXCEED TWELVE HUNDRED SQUARE FEET.
34 B. THE COUNTY SHALL ACT ON A PERMIT APPLICATION FOR AN ACCESSORY
35 DWELLING UNIT WITHIN SIXTY DAYS AFTER THE DATE THE COUNTY RECEIVES A
36 COMPLETED APPLICATION IF THERE IS AN EXISTING SINGLE-FAMILY OR MULTIFAMILY
37 DWELLING ON THE LOT.
38 C. FOR THE PURPOSES OF THIS SECTION, "ACCESSORY DWELLING UNIT"
39 MEANS AN ATTACHED OR DETACHED RESIDENTIAL DWELLING UNIT THAT PROVIDES
40 COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS AND THAT IS
41 LOCATED ON A LOT WITH A PROPOSED OR EXISTING PRIMARY RESIDENTIAL UNIT.