

REFERENCE TITLE: accessory dwelling units; requirements

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# **SB 1415**

Introduced by  
Senators Hernandez; Petersen

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 9-461.18; RELATING TO MUNICIPAL PLANNING.

(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, Arizona Revised Statutes,  
3 is amended by adding section 9-461.18, to read:

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

5 A. A MUNICIPALITY WITH A POPULATION OF MORE THAN SEVENTY-FIVE  
6 THOUSAND PERSONS SHALL ADOPT REGULATIONS THAT ALLOW ON ANY LOT OR PARCEL  
7 WHERE A SINGLE-FAMILY DWELLING IS ALLOWED ALL OF THE FOLLOWING:

8 1. AT LEAST ONE ATTACHED, DETACHED OR INTERNAL ACCESSORY DWELLING  
9 UNIT AS A PERMITTED USE.

10 2. A MINIMUM OF ONE ADDITIONAL ACCESSORY DWELLING UNIT AS A  
11 PERMITTED USE FOR EACH ACCESSORY DWELLING UNIT ON THE LOT OR PARCEL THAT  
12 IS A RESTRICTED-AFFORDABLE DWELLING UNIT.

13 3. AN ACCESSORY DWELLING UNIT THAT IS SEVENTY-FIVE PERCENT OF THE  
14 GROSS FLOOR AREA OF THE SINGLE-FAMILY DWELLING ON THE SAME LOT OR PARCEL  
15 OR ONE THOUSAND SQUARE FEET, WHICHEVER IS LESS.

16 B. A MUNICIPALITY MAY NOT DO ANY OF THE FOLLOWING:

17 1. PROHIBIT THE USE OR ADVERTISEMENT OF EITHER THE SINGLE-FAMILY  
18 DWELLING OR ANY ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR PARCEL  
19 AS SEPARATELY LEASED LONG-TERM RENTAL HOUSING.

20 2. REQUIRE A FAMILIAL, MARITAL, EMPLOYMENT OR OTHER PREEXISTING  
21 RELATIONSHIP BETWEEN THE OWNER OR OCCUPANT OF A SINGLE-FAMILY DWELLING AND  
22 THE OCCUPANT OF AN ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR  
23 PARCEL.

24 3. PROHIBIT OR REQUIRE KITCHEN FACILITIES IN AN ACCESSORY DWELLING  
25 UNIT.

26 4. 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 5. 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 6. 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 7. SET REAR OR SIDE SETBACKS FOR ACCESSORY DWELLING UNITS THAT ARE  
37 MORE THAN FIVE FEET FROM THE PROPERTY LINE.

38 8. 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 9. 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.

10 E. IF A MUNICIPALITY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS  
11 REQUIRED BY THIS SECTION ON OR BEFORE JANUARY 1, 2025, ACCESSORY DWELLING  
12 UNITS SHALL BE ALLOWED ON ALL LOTS OR PARCELS ZONED FOR RESIDENTIAL USE IN  
13 THE MUNICIPALITY WITHOUT LIMITS.

14 F. FOR THE PURPOSES OF THIS SECTION:

15 1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT  
16 THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER  
17 SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN  
18 SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN  
19 FACILITIES.

20 2. "GROSS FLOOR AREA" MEANS THE INTERIOR HABITABLE AREA OF A  
21 SINGLE-FAMILY DWELLING OR AN ACCESSORY DWELLING UNIT.

22 3. "LONG-TERM RENTAL" MEANS RENTAL USE IN WHICH THE TENANT HOLDS A  
23 LEASE OF NINETY DAYS OR LONGER OR ON A MONTH-BY-MONTH BASIS.

24 4. "MUNICIPALITY" MEANS A CITY OR TOWN THAT EXERCISES ZONING POWERS  
25 UNDER THIS TITLE.

26 5. "KITCHEN FACILITIES" MEANS A SINK, REFRIGERATOR AND A  
27 SIGNIFICANT COOKING APPLIANCE, INCLUDING A RANGE, STOVE, OVEN OR MICROWAVE  
28 OVEN.

29 6. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE  
30 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE  
31 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY  
32 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE  
33 ZONING REGULATIONS.

34 7. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT  
35 THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH  
36 THE MUNICIPALITY, SHALL BE RENTED OR SOLD TO HOUSEHOLDS EARNING UP TO  
37 EIGHTY PERCENT OF AREA MEDIAN INCOME.