

Senate Engrossed

accessory dwelling units; requirements

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

SENATE BILL 1415

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;
5 applicability; definitions

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

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

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

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

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

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

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

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

27 4. REQUIRE THAT A LOT OR PARCEL HAVE ADDITIONAL PARKING TO
28 ACCOMMODATE AN ACCESSORY DWELLING UNIT OR REQUIRE PAYMENT OF FEES INSTEAD
29 OF ADDITIONAL PARKING.

30 5. REQUIRE THAT AN ACCESSORY DWELLING UNIT MATCH THE EXTERIOR
31 DESIGN, ROOF PITCH OR FINISHING MATERIALS OF THE SINGLE-FAMILY DWELLING
32 THAT IS LOCATED ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT.

33 6. SET RESTRICTIONS FOR ACCESSORY DWELLING UNITS THAT ARE MORE
34 RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS WITHIN THE SAME ZONING
35 AREA WITH REGARD TO HEIGHT, SETBACKS, LOT SIZE OR COVERAGE OR BUILDING
36 FRONTAGE.

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

39 8. REQUIRE IMPROVEMENTS TO PUBLIC STREETS AS A CONDITION OF
40 ALLOWING AN ACCESSORY DWELLING UNIT, EXCEPT AS NECESSARY TO RECONSTRUCT OR
41 REPAIR A PUBLIC STREET THAT IS DISTURBED AS A RESULT OF THE CONSTRUCTION
42 OF THE ACCESSORY DWELLING UNIT.

43 9. REQUIRE A RESTRICTIVE COVENANT CONCERNING AN ACCESSORY DWELLING
44 UNIT ON A LOT OR PARCEL ZONED FOR RESIDENTIAL USE BY A SINGLE-FAMILY
45 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. AN ACCESSORY DWELLING UNIT MAY NOT BE BUILT ON TOP OF A CURRENT
11 OR PLANNED PUBLIC UTILITY EASEMENT UNLESS THE PROPERTY OWNER RECEIVES
12 WRITTEN CONSENT FROM THE PUBLIC UTILITY.

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

17 G. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED
18 ON TRIBAL LAND.

19 H. FOR THE PURPOSES OF THIS SECTION:

20 1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT
21 THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER
22 SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN
23 SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN
24 FACILITIES.

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

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

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

31 5. "KITCHEN FACILITIES" MEANS A SINK, A REFRIGERATOR AND A
32 SIGNIFICANT COOKING APPLIANCE, INCLUDING A RANGE, STOVE, OVEN OR MICROWAVE
33 OVEN.

34 6. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
35 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
36 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
37 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE
38 ZONING REGULATIONS.

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