



**City Council Memorandum Development Services Memo No. 24-059FA**

**Date:** December 9, 2024  
**To:** Mayor and Council  
**Thru:** Joshua H. Wright, City Manager  
 Andy Bass, Deputy City Manager  
 Kevin Snyder, Development Services Director  
**From:** Lauren Schumann, Planning Senior Program Manager  
**Subject:** PLH24-0025 City Code Amendments-State Housing Mandates  
 Final Adoption of Ordinance No. 5113

**Proposed Motion:**

Move City Council pass and adopt Ordinance No. 5113 approving PLH24-0025 City Code Amendments-State Housing Mandates, text amendments pertaining to backyard chickens, accessory dwelling units, final plats, and establishing review timelines for residential zoning applications, as recommended by Planning and Zoning Commission.

**Background:**

- In May 2024, Governor Hobbs signed a series of house and state bills with hopes to "expand housing options and help mitigate the effects of rising costs to make life more affordable for everyday Arizonans"
- The bills are mandated for municipalities with populations exceeding 75,000 and municipalities must adopt their provisions by January 1, 2025
- On September 9, 2024, the City Council reviewed the adopted bills in a work session and provided direction to staff to move forward with the proposed amendments listed below

**HB 2720 Accessory Dwelling Units (ADUs)**

	<b>Current Code - Adopted March 2024</b>	<b>Proposed Code Amendment - State Mandate</b>
# of ADUs Permitted	1 on each single-family lot; may be detached or attached to the main house.  1 accessory structure is permitted for each lot. ADUs are classified as the property's one permitted accessory structure (additional accessory structures such as a detached garage or workshop are not allowed).	1 detached ADU and 1 ADU attached to the main house, for a potential total of 2 ADUs on each single-family lot  *A 3rd ADU can be added if the lot is larger than 1 acre and it is rented as a "restricted-affordable dwelling unit" (deed restriction required)  In order to comply with state mandates, ADUs will be removed from the accessory structure classification in the Zoning Code and re-classified as their own category, thus allowing a detached garage or workshop on the same lot as an ADU providing that setbacks and other standards are met. In order to be classified as an ADU, it must contain all the following: sanitation facilities, kitchen facilities, and a separate, independent entrance from the primary residence.
Max. Size	Cannot occupy more than 30% of rear yard	Limited to 75% gross floor area of the main house or 1,000 square feet interior habitable area, whichever is less
Setbacks	Same as main dwelling unit and cannot be located anterior to the main house	Rear and side yards reduced to 5 feet. Can be located anterior to the main home if front yard setbacks (same that apply to the main home) are met.  Any uninhabitable space (i.e., a garage attached to an ADU) shall comply with the property's setbacks for the main dwelling.
Max. Height	15 feet to top of structure or the mid-point of pitched/sloped roof	Same as max. height permitted of main house (i.e. if zoning allows for 2-story house, then an ADU can also be 2-stories)
Design	Must architecturally match the main house in style, materials and colors.	Cannot be required to match house, therefore, the proposal is to allow an ADU to comply with either of 2 options: (1) minimum objective design standards (i.e., stucco, tile roof with a 4 to 12 slope), or (2) match the main house.
Parking	1 space required (either uncovered or covered) on the property (cannot count street parking) in addition to the 2 covered parking spaces required for the main home.	No additional space required (state law prohibits cities from requiring additional parking for ADUs)
Short-term Rental Restrictions	Prohibited	Cannot prohibit short-term rentals

**HB 2325 Backyard Fowl**

	<b>Current Code - Adopted January 2023</b>	<b>Proposed Code Amendment - State Mandate</b>
# of Chickens Permitted	5 hens, no roosters	6 hens, no roosters
Coop Requirements	120 square feet, limited to height of property's perimeter fence, setback five (5) feet from side and rear yards	No Change

**SB 1162 Zoning Shot Clock-Housing Assessment**

- Establishes timelines for residential rezoning cases
- City currently has policies in place regarding review timelines; 20 business days to deem approved/disapproved if all documents have been submitted for initial review
- The mandate will codify review timelines for all residential rezonings
  - Determine if application is complete within 30 days of submittal
  - Next, the City has a 180-day deadline to schedule for City Council for vote
  - The applicant can request one 30-day extension
- Bill also requires cities to conduct a housing needs study and publish every five years; in October, City Council approved consultant contract to conduct housing study in conjunction with General Plan, with anticipated completion in summer 2025

**SB 1103 Administrative review; approvals; developments**

- Authorizing administrative personnel to review and approve plats without public hearing in order to expedite the development process

- Since Preliminary Plats are typically are tied to rezoning cases, staff proposes to only remove Final Plats from the public hearing process, thus allowing them to be reviewed and approved administratively by the City Engineer
- The Planning & Zoning Commission and the City Council will continue to review and vote on Preliminary Plats, as requested by City Council during a work session on September 9, 2024
- City Code Chapter 48 Subdivisions will be amended, transferring City Council's review and approval of final plats to the Development Services Director or designee

**Public Outreach**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Staff have received multiple phone calls from supportive residents inquiring when the new ADU's rules will be in place.
- Staff has also received input from residents concerned about the Governor's reduction in building setbacks for ADU's.

**Housing Impact Statement:**

Pursuant to A.R.S. § 9-462.01 (J), staff has considered the impact this ordinance will have on the cost of constructing housing for sale or rent. Based on limited information known at this time, staff believes that the impact will be minimal considering the many economic factors that determine the cost of constructing housing. This ordinance was drafted as a result of state legislation that requires cities to adopt code amendments, and the state legislature did not provide any additional data or reference material to indicate how this ordinance may impact the cost of constructing housing for sale or rent. Staff does not believe that there is a less costly or less restrictive alternative method of achieving the purpose of the code amendments.

**Planning and Zoning Commission Vote Report**

Planning and Zoning Commission meeting October 16, 2024  
Motion to approve

In Favor: 6    Opposed: 0    Absent 1 (Lopez)

**Ordinance No. 5113 was introduced and tentatively adopted on November 7, 2024.**

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**Attachments**

- Ordinance No. 5113
  - HB 2720 Accessory Dwelling Units
  - HB 2325 Backyard Fowl
  - SB 1162 Shot Clock- Housing Assessment
  - SB 1103 Administrative review; approvals; developments
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**ORDINANCE NO. 5113**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED “2024 AMENDMENTS TO CHANDLER CITY CODE CHAPTERS 14, 35, AND 48” TO BE A PUBLIC RECORD; AMENDING CHAPTER 14 RELATED TO THE REGULATION OF BACKYARD CHICKENS AS REQUIRED BY STATE LAW; AMENDING CHAPTER 35 LAND USE AND ZONING, RELATING TO THE REGULATION OF ACCESSORY DWELLING UNITS AND APPROVALS OF RESIDENTIAL ZONING APPLICATIONS AS REQUIRED BY STATE LAW; AMENDING CHAPTER 48 RELATED TO APROVALS FOR FINAL PLATS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in accordance with Ariz. Rev. Stat. § 9-240, the City Council may adopt by ordinance any change or amendment to the regulations and provisions set forth in the Chandler City Code; and

WHEREAS, in 2024, the Arizona Legislature adopted H.B. 2325, codified as Ariz. Rev. Stat. §9-461.10, prohibiting a municipality from adopting rules that would prohibit a resident of a single-family home from keeping up to six chickens in the backyard of the property; and

WHEREAS, in 2024, the Arizona Legislature also adopted H.B. 2720, codified as Ariz. Rev. Stat. §9-461.18, to mandate certain zoning code amendments relating to the construction of accessory dwelling units in municipalities with a population greater than 75,000; and

WHEREAS, Ariz. Rev. Stat. §9-461.18 mandates that these code amendments be adopted on or before January 1, 2025, and also places strict limitations on the types of regulations that a city is allowed to impose on the construction of accessory dwelling units; and

WHEREAS, in 2024, the Arizona Legislature also adopted S.B. 1162, codified as Ariz. Rev. Stat. §9-462.10, to mandate that municipalities adopt an amendment to their zoning ordinances by January 1, 2025, setting deadlines for approval of residential zoning applications; and

WHEREAS, this ordinance is being adopted to comply with these three bills that were adopted by the Arizona Legislature in 2024; and

WHEREAS, notice of this amendment has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days’ notice of the time, place, and date of public hearing; and

WHEREAS, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on October 16, 2024.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That certain document known as the “2024 Amendments to Chandler City Code Chapters 14, 35, and 48,” one paper copy and one electronic copy of which shall remain on file in the Office of the City Clerk, a copy of which is attached to this Ordinance as Exhibit A, is hereby declared to be a public record.

Section 2. That the Chandler City Code is hereby amended by adoption of the amendments contained in the “2024 Amendments to Chandler City Code Chapters 14, 35, and 48.”

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. In any case, where any building, structure, or land is used in violation of the amendments to Chapter 35 of this ordinance, the Planning Division of the City of Chandler may institute an injunction or any other appropriate action in proceeding to prevent the use of such building, structure, or land.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. A violation of the amendments to Chapter 35 of this ordinance shall be a Class 1 misdemeanor subject to the enforcement and penalty provisions set forth in Section 1-8.3 of the Chandler City Code. Each day a violation continues, or the failure to perform any act or duty required by this ordinance or the Zoning Code, shall constitute a separate offense.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 7<sup>th</sup> day of November, 2024.

ATTEST:

Dana R. D'Amico  
CITY CLERK

Kevin Harthe  
MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 9<sup>th</sup> day of December, 2024.

ATTEST:

*Dana R. D'Angelo*  
CITY CLERK

*Kevin Hartke*  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5113 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 9<sup>th</sup> day of December, 2024, and that a quorum was present thereat.

*Dana R. D'Angelo*  
CITY CLERK



APPROVED AS TO FORM:

*Thom Allen*  
CITY ATTORNEY *TA*

Published:

in the Arizona Republic on: December 27, 2024 and January 3, 2025.

\*REFERENCED EXHIBIT(S) AND/OR ATTACHMENT(S) ON FILE AT THE CITY CLERK'S OFFICE.\*

EXHIBIT A to Ordinance 5113

“2024 Amendments to Chandler City Code Chapters 14, 35, and 48”

The Chandler City Code is hereby amended to read as follows (additions in ALL CAPS, deletions in strikethrough, omitted text indicated by ellipses as “. . .”):

**Chapter 14 - ANIMALS**

. . .

**14-33. Backyard chickens.**

Chickens may be kept for personal use only on any lot that is located within a residential district, the principal use of which is a single-family residential home, subject to the following requirements:

A. No more than ~~five (5)~~ SIX (6) chickens may be kept on an individual lot.

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**Chapter 35 - LAND USE AND ZONING**

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**35-200 DEFINITIONS**

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*Accessory building:* One (1) detached building which is subordinate and customarily incidental to and on the same lot with a main building, accessory buildings may include structures such as but not limited to a private garage, workshop, ~~accessory dwelling unit~~, or guest quarter. Greenhouses and/or hydroponic houses for hobby purposes shall be excluded for this definition.

*Accessory dwelling unit:* ~~A secondary dwelling unit sharing the lot of a larger, primary single-family home.~~ A SELF-CONTAINED LIVING UNIT THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN SLEEPING, SANITATION, AND KITCHEN FACILITIES.

. . .

*Guest quarters:* A detached building THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER SQUARE FOOTAGE THAN THE GUEST QUARTERS ~~used to house non-paying persons~~, WHICH MAY INCLUDE ITS OWN SLEEPING AND SANITATION FACILITIES.

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## ARTICLE IV. AG-1—AGRICULTURAL DISTRICT

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### 35-401. Uses permitted.

[The following are uses permitted in this district:]

- (1) Single-family dwellings.
- (2) Field crops such as cotton, grain, vegetables, fruit trees, flowers.
- (3) Raising and marketing of poultry, rabbits and other small domesticated animals provided they are contained within a fence or cage. No slaughtering of animals for commercial purposes.
- (4) Agrarian subdivisions, subject to:
  - (a) Livestock raising and grazing is permitted for a maximum of one (1) livestock animal per seven thousand (7,000) square feet of lot area.
  - (b) No more than one (1) hog, weighing more than fifty (50) pounds, may be kept per thirty-five thousand (35,000) square feet of lot area.
  - (c) All animals must be contained in a stock-tight fence and/or corral. Such fence or corral shall not be permitted closer than one hundred (100) feet to the front property line. For corner lots, no such fence or corral shall be located closer to the side right-of-way line than the principal building.
  - (d) Accessory buildings used specifically for animals and fowl, provided they are located within the area fenced for animals and maintain the same front yard requirements as provided for the principal building.
- (5) Farm roadside stand.
- (6) Riding stables (minimum area, ten (10) acres).
- (7) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.
- (8) Fences, walls, landscape screens not exceeding seven (7) feet in height adjacent to rear and side property lines and not to exceed three (3) feet in height adjacent to front yard.
- (9) Swimming pools, private, in accordance with Article XXII, section 35-2205 of this Code.
- (10) One (1) accessory building, In accordance with Article XXII, section 35-2202 of this Code.
- (11) Signs are permitted in accordance with the Chandler Sign Code [Chapter 39].
- (12) Storage shed, In accordance with Article XXII, section 35-2203 of this Code.
- (13) ACCESSORY DWELLING UNITS, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.

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## **ARTICLE V. SF-33—SINGLE-FAMILY DISTRICT**

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### **35-501. Uses permitted.**

[The following uses are permitted in this district:]

- (1) Single-family dwellings.
- (2) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code.
- (3) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.
- (4) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (5) Signs in accordance with the Chandler Sign Code [Chapter 39].
- (6) Fences, walls, landscape screens not exceeding seven (7) feet in height adjacent to rear and side property lines and not to exceed three (3) feet in height adjacent to front yard.
- (7) Swimming pools, private, in accordance with Article XXII, section 35-2205 of this Code.
- (8) Agrarian subdivisions, subject to:
  - (a) Livestock raising and grazing, excluding hogs, pigs, burros, donkeys or roosters, is permitted for a maximum of one (1) animal per ten thousand (10,000) square feet of lot area.
  - (b) Excluding household pets, the raising of poultry, rabbits and other small domesticated animals provided they are contained within a fence or cage.
  - (c) All animals must be contained in a stock-tight fence and/or corral. Such fence or corral shall not be permitted closer than one hundred (100) feet to the front property line. For corner lots, no such fence or corral shall be located closer to the side right-of-way line than the principal building.
  - (d) Field crops, including vegetables and fruit trees.
  - (e) Accessory buildings used specifically for animals and fowl authorized under paragraphs a. and b. above, provided they are located within the area fenced for animals and maintain the same front, side and rear yard requirements as provided for the principal building.

**(9) ACCESSORY DWELLING UNITS, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.**

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**ARTICLE VI. SF-18—SINGLE-FAMILY DISTRICT**

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**35-601. Uses permitted.**

[The following uses are permitted in this district:]

- (1) Single-family dwellings.
- (2) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code.
- (3) Home occupations in accordance with Article XXII, section 35-2215 of this Code.
- (4) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (5) Signs in accordance with Chandler Sign Code [Chapter 39].
- (6) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to rear and side yard lines and not to exceed three (3) feet in height adjacent or contiguous to the front yard lines.
- (7) Swimming pools, private, in accordance with Article XXII, section 35-2205 of this Code.
- (8) **ACCESSORY DWELLING UNITS, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.**

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**ARTICLE VI.1. SF-10—SINGLE-FAMILY DISTRICT**

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**35-601.1. Uses permitted.**

[The following uses are permitted in this district:]

- (1) Single-family dwellings.
- (2) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code.
- (3) Home occupations as defined in accordance with Article XXII, section 35-2215 of this Code.
- (4) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (5) Signs in accordance with the Chandler Sign Code [Chapter 39].
- (6) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to rear and side yard lines and not to exceed three (3) feet in height adjacent or contiguous to the front yard lines.
- (7) Swimming pools, private, in accordance with Article XXII, section 35-2205 of this Code.

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(8) ACCESSORY DWELLING UNITS, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.

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**ARTICLE VIII. MF-1—MEDIUM-DENSITY RESIDENTIAL DISTRICT**

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**35-801. Uses permitted.**

All buildings are subject to approval of site development plan in accordance with Article XIX of this Code.

- (1) Two-family dwellings.
- (2) Multi-family dwellings (subject to site development plan).
- (3) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.
- (4) Signs in accordance with the Chandler Sign Code [Chapter 39].
- (5) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (6) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code, excluding accessory dwelling unit.
- (7) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to side or rear yard lines and not [more than] three (3) feet in height adjacent or contiguous to front yard lines.
- (8) Swimming pools, private, in accordance with Article XXII [section 35-2205] of this Code.
- (9) Single-family dwelling on existing lots that are less than twelve thousand (12,000) square feet as of February 8, 2024. Lots less than twelve thousand (12,000) square feet that were first subdivided on or after February 8, 2024 are not eligible for a single-family dwelling unless a use permit is granted pursuant to this chapter. **ACCESSORY DWELLING UNITS SHALL BE PERMITTED IF THE PRINCIPAL USE IS A SINGLE-FAMILY RESIDENTIAL HOME, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.**

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**ARTICLE IX. MF-2—MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

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**35-901. Uses permitted.**

All buildings are subject to approval of site development plan in accordance with Article XIX of this Code.

- (1) Multiple-family dwellings.
- (2) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.
- (3) Signs in accordance with the Chandler Sign Code [Chapter 39].

- (4) Storage shed, in accordance with Article XXII, section 35-2203 of this Code.
- (5) Fences, walls and landscape screens not exceeding seven (7) feet in height adjacent or contiguous to side or rear yard lines and not exceeding three (3) feet in height adjacent or contiguous to front yard lines.
- (6) Swimming pools, private, in accordance with Article XXII [section 35-2205] of this Code.
- (7) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code, excluding accessory dwelling unit.
- (8) Churches, schools, public buildings and facilities.
- (9) Single-family dwelling on existing lots that are less than twelve thousand (12,000) square feet as of February 8, 2024. Lots less than twelve thousand (12,000) square feet that were first subdivided on or after February 8, 2024 are not eligible for a single-family dwelling unless a use permit is granted pursuant to this chapter. **ACCESSORY DWELLING UNITS SHALL BE PERMITTED IF THE PRINCIPAL USE IS A SINGLE-FAMILY RESIDENTIAL HOME, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.**

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## **ARTICLE X. MF-3—HIGH-DENSITY RESIDENTIAL DISTRICT**

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### **35-1001. Uses permitted.**

All buildings are subject to an approved site development plan in accordance with Article XIX of this Code.

- (1) Multiple-family buildings.
- (2) Elevator multiple-family buildings, including accessory business uses which are primarily for the convenience of the tenants.
- (3) Churches, schools, public buildings and facilities.
- (4) Offices and office buildings.
- (5) Home occupations, in accordance with Article XXII, section 35-2215 of this Code.
- (6) Signs in accordance with the Chandler Sign Code [Chapter 39].
- (7) Fences, walls and landscape screens not exceeding seven (7) feet in height when adjacent or contiguous to side or rear lot lines and not more than three (3) feet in height when adjacent or contiguous to front yard lines.
- (8) Swimming pools, private, in accordance with Article XXII [section 35-2205] of this Code.
- (9) One (1) accessory building, in accordance with Article XXII, section 35-2202 of this Code.
- (10) Storage shed in accordance with Article XXII, section 35-2203 of this Code.

(11) Single-family dwelling on existing lots that are less than twelve thousand (12,000) square feet as of February 8, 2024. Lots less than twelve thousand (12,000) square feet that were first subdivided on or after February 8, 2024 are not eligible for a single-family dwelling unless a use permit is granted pursuant to this chapter. **ACCESSORY DWELLING UNITS SHALL BE PERMITTED IF THE PRINCIPAL USE IS A SINGLE-FAMILY RESIDENTIAL HOME, IN ACCORDANCE WITH ARTICLE XXII, SECTION 35-2202.2 OF THIS CODE.**

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**35-1707. - Final development plan approval.**

- (1) It is the intent of this section that subdivision review under the City Subdivision Regulations, Chapter 48, be carried out simultaneously as an integral part of the PAD review. The plans required under this section must be submitted in a form which substantially satisfies the requirements of the Subdivision Regulations for ~~final~~ plat approval.

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**35-2202. Accessory buildings. THE FOLLOWING STANDARDS SHALL APPLY TO ALL ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY DWELLING UNITS.**

- (1) Accessory buildings such as but not limited to ~~accessory dwelling units~~ guest quarters, garages, and workshops shall be located behind the front wall plane of the home and in the side yard or in the rear yard of the ~~principal building~~ **PRIMARY RESIDENCE** and shall not occupy more than thirty (30) percent of the rear area.
- (2) Accessory buildings shall meet the minimum side and rear yard setbacks for the district in which it is located. Any accessory buildings within a Planned Area Development (PAD) zoning designation shall be subject to the applicable provisions of the adopted preliminary development plan.
- (3) Accessory buildings shall not exceed fifteen (15) feet in height.
- (4) No carport or garage entered from an alley shall be located closer than ten (10) feet to a rear lot line.
- (5) No accessory building shall be constructed prior to the construction of a principal building.
- (6) Guest quarters are permitted subject to the following:
- (a) Guest quarters shall utilize the same utility services provided to the principal building (i.e. separate utility meters directly serving the guest quarters shall not be permitted).
  - (b) No ovens, ranges, or built-in cooking facilities shall be permitted.
  - ~~(c) Notwithstanding any other provision, using the guest quarters for an activity requiring a license under Chapter 22 (short term rentals) of the City Code shall be prohibited, except for short term rentals registered prior to February 8, 2024.~~

(7) A maximum of one accessory building (e.g. ~~accessory dwelling unit~~, guest quarters, garage, workshop) is permitted on a lot.

(8) The exterior design of any accessory building shall be commensurate with the exterior design of the ~~principal building~~ PRIMARY RESIDENCE AND CONSISTENT in materials, colors and architectural style OR SHALL COMPLY WITH THE FOLLOWING STANDARDS:

- a) EXTERIOR WALL CLADDING CONSTRUCTED OF STUCCO OR EXTERIOR INSULATION AND FINISH SYSTEM (EIFS).
- b) CONCRETE TILE ROOF WITH A 4:12 SLOPE.
- c) ADDITIONAL ACCENT MATERIAL MAY BE ADDED IF THE MATERIALS ARE CONSISTENT WITH THE ARCHITECTURAL STYLE OF THE PRIMARY RESIDENCE.

~~(9) Accessory dwelling units are permitted subject to the following:~~

~~(a) An accessory dwelling unit shall only be permitted in a residential district, the principal use of which is a single family residential home.~~

~~(b) Accessory dwelling units shall utilize the same utility services provided to the principal building (i.e., separate utility meters directly serving the accessory dwelling unit shall not be permitted).~~

~~(c) One (1) uncovered or covered off-street parking space shall be required in addition to the covered parking spaces required for the principal use. Said additional parking space shall not obstruct any required off-street parking (i.e., it is prohibited to utilize the driveway leading to the required off-street parking spaces for the principal use as parking for the accessory dwelling unit).~~

~~(d) Notwithstanding any other provision, using the accessory dwelling unit for an activity requiring a license under Chapter 22 (short term rentals) of the City Code shall be prohibited.~~

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### **35-2202.2 ACCESSORY DWELLING UNITS**

(1) ACCESSORY DWELLING UNITS ARE PERMITTED ON ANY LOT OR PARCEL WHERE A SINGLE-FAMILY DWELLING IS THE PRINCIPAL USE, SUBJECT TO THE FOLLOWING:

- (A) A MAXIMUM OF ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT SHALL BE PERMITTED. AN ACCESSORY DWELLING UNIT SHALL NOT EXCEED SEVENTY-FIVE (75) PERCENT OF THE GROSS FLOOR AREA OF THE EXISTING SINGLE-FAMILY DWELLING OR ONE THOUSAND (1,000) SQUARE FEET, WHICHEVER IS LESS. FOR THE PURPOSES OF THIS SUBSECTION, GROSS FLOOR AREA MEANS THE INTERIOR HABITABLE AREA OF THE SINGLE-FAMILY DWELLING.

(B) ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT SHALL BE PERMITTED ON A LOT OR PARCEL THAT IS ONE ACRE OR MORE IN SIZE IF AT LEAST ONE ACCESSORY DWELLING UNIT ON THE LOT OR PARCEL IS A RESTRICTED-AFFORDABLE DWELLING UNIT. FOR PURPOSES OF THIS SECTION, A RESTRICTED-AFFORDABLE DWELLING UNIT MEANS A DWELLING UNIT THAT MAY ONLY BE RENTED TO HOUSEHOLDS EARNING EIGHTY (80) PERCENT OR LESS OF AREA MEDIAN INCOME, WHICH LIMITATION HAS BEEN ESTABLISHED THROUGH A RECORDED DEED RESTRICTION OR DEVELOPMENT AGREEMENT GIVING THE CITY THE AUTHORITY TO ENFORCE THE LIMITATION.

(C) AN ACCESSORY DWELLING UNIT SHALL COMPLY WITH ALL LIMITATIONS ON BUILDING HEIGHT, INTENSITY OF LOT USE, AND FRONT YARD SETBACKS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED; EXCEPT REAR AND SIDE YARD SETBACKS SHALL BE NO LESS THAN FIVE (5) FEET.

(D) ANY UNINHABITABLE SPACE (E.G., A GARAGE) ATTACHED TO AN ACCESSORY DWELLING UNIT SHALL COMPLY WITH THE MINIMUM SIDE AND REAR YARD SETBACKS FOR THE DISTRICT IN WHICH IT IS LOCATED.

(E) ACCESSORY DWELLING UNITS SHALL BE SERVED BY THE SAME WATER, SEWER, AND ELECTRIC-UTILITY PROVIDERS AND METERS AS THE PRIMARY RESIDENCE.

(F) THE EXTERIOR DESIGN OF AN ACCESSORY DWELLING UNIT MUST COMPLY WITH THE FOLLOWING STANDARDS:

1. EXTERIOR WALL CLADDING CONSTRUCTED OF STUCCO OR EXTERIOR INSULATION AND FINISH SYSTEM (EIFS).
2. CONCRETE TILE ROOF WITH A 4:12 SLOPE.
3. ADDITIONAL ACCENT MATERIAL MAY BE ADDED IF THE MATERIALS ARE CONSISTENT WITH THE ARCHITECTURAL STYLE OF THE PRIMARY RESIDENCE.

ALTERNATIVELY, AT THE ELECTION OF THE PROPERTY OWNER, THE EXTERIOR DESIGN MAY BE COMMENSURATE WITH THE EXTERIOR DESIGN OF THE PRIMARY RESIDENCE AND CONSISTENT IN MATERIALS, COLORS AND ARCHITECTURAL STYLE.

(G) AN ACCESSORY DWELLING UNIT SHALL HAVE A SEPARATE AND INDEPENDENT ENTRANCE FROM THE PRIMARY RESIDENCE.

(H) A LOT OR PARCEL CONTAINING AN ACCESSORY DWELLING UNIT SHALL NOT BE SUBDIVIDED OR SPLIT INTO TWO OR MORE LOTS OR PARCELS UNLESS:

1. EACH LOT OR PARCEL COMPLIES WITH MINIMUM LOT SIZE REQUIREMENT OF THE ZONING DISTRICT IN WHICH IT IS LOCATED;
2. SEPARATE UTILITY CONNECTIONS ARE PROVIDED TO EACH DWELLING UNIT;
3. LEGAL INGRESS AND EGRESS IS PROVIDED TO EACH LOT; AND
4. ALL LOTS AND DWELLING UNITS COMPLY WITH ALL CITY CODE REQUIREMENTS.

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**35-2605. – APPROVAL OF RESIDENTIAL ZONING APPLICATIONS.**

**(1) ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME.**

FOR EACH APPLICATION FOR A ZONING AMENDMENT RELATED TO RESIDENTIAL ZONING, THE ZONING ADMINISTRATOR SHALL DESIGNATE A STAFF MEMBER TO REVIEW THE APPLICATION. CITY STAFF REVIEWING THE APPLICATION SHALL DETERMINE WHETHER THE APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN THIRTY (30) DAYS AFTER RECEIVING THE APPLICATION. IF STAFF DETERMINES THAT THE APPLICATION IS NOT ADMINISTRATIVELY COMPLETE, STAFF SHALL PROVIDE THE APPLICANT WITH A COMPREHENSIVE LIST OF THE SPECIFIC DEFICIENCIES IN A WRITTEN NOTICE TO THE APPLICANT. UPON ISSUANCE OF THE NOTICE, THE ADMINISTRATIVE COMPLETENESS REVIEW TIME FRAME AND OVERALL TIME FRAME CONTAINED IN THIS SECTION ARE SUSPENDED UNTIL STAFF RECEIVES THE MISSING INFORMATION FROM THE APPLICANT. STAFF SHALL DETERMINE WHETHER A RESUBMITTED APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN FIFTEEN (15) DAYS AFTER RECEIVING THE RESUBMITTED APPLICATION.

**(2) APPROVAL OR DENIAL OF RESIDENTIAL ZONING APPLICATIONS.**

AFTER DETERMINING THAT A RESIDENTIAL ZONING APPLICATION IS ADMINISTRATIVELY COMPLETE, THE CHANDLER CITY COUNCIL SHALL APPROVE OR DENY THE APPLICATION WITHIN ONE HUNDRED EIGHTY (180) DAYS. THE CITY MAY EXTEND THE TIME FRAME TO APPROVE OR DENY THE REQUEST BEYOND ONE HUNDRED EIGHTY (180) DAYS FOR EITHER OF THE FOLLOWING REASONS:

- A) FOR EXTENUATING CIRCUMSTANCES, STAFF MAY GRANT A ONE-TIME EXTENSION OF NOT MORE THAN THIRTY (30) DAYS.
- B) IF AN APPLICANT REQUESTS AN EXTENSION, THE CITY MAY GRANT EXTENSIONS OF THIRTY (30) DAYS FOR EACH EXTENSION REQUESTED.

(3) EXCEPTIONS.

THIS SECTION DOES NOT APPLY TO LAND THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO ARIZ. REV. STAT. § 9-462.01(A) OR AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES. THIS SECTION ALSO DOES NOT APPLY TO PARCELS THAT ARE ALREADY ZONED AS A PLANNED AREA DEVELOPMENT (PAD).

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**Chapter 48 - SUBDIVISIONS**

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**48-7. Stage II: Preliminary plat.**

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*48-7.4. Significance of preliminary plat approval.* Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary plat approval is based upon the following terms:

A. The preliminary plat as conditionally approved shall not be substantially changed prior to the expiration date.

~~B. Approval is valid for a period of twelve (12) months from date of City Council approval. A six (6) month extension of the preliminary plat approval may be granted by the City Council upon receipt of a letter, indicating proper cause, from the subdivider prior to expiration date.~~

€ B. Preliminary plat approval, in itself, does not assure final acceptance of streets for dedication nor does it assure continuation of existing zoning requirements for the tract or its environs.

*48-7.5. Information required for preliminary plat submittal.*

A. The information hereinafter required as part of the preliminary plat submittal shall be shown graphically, by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred (100) feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring twenty-four (24) by thirty-six (36) inches.

B. The subdivider shall also file one (1) photo mechanical transfer print (PMT) of the preliminary plat. The PMT's shall be eight and one-half (8½) inches by eleven (11) inches in size and so arranged that each may be bound as a right-hand page in a book with a blank



margin not less than one and one-half (1½) inches wide along the left, the margin being included in the eight and one-half (8½) inch dimension.

C. The subdivider shall file one (1) Mylar each of the subdivision at a true scale of one (1) inch to two hundred (200) feet. The Mylars shall contain lot layout, street configuration, and street names.

~~D. The subdivider shall file one (1) computer disk containing the final plat and all required submittals in a format suitable for computer generation of stored information.~~

...

#### 48-8. Stage III: Final plat.

This stage includes the final design of the subdivision, engineering of public improvements and submittal of the final plat and plans by the subdivider, for review and **action APPROVAL** by the ~~Council~~. **DIRECTOR OF DEVELOPMENT SERVICES OR DESIGNEE.**

...

##### 48-8.4. Final plat submission.

A. **UPON APPROVAL OF THE PRELIMINARY PLAT, THE SUBDIVIDER MAY SUBMIT THE FINAL PLAT FOR APPROVAL.** The subdivider shall file with the Department the final plat ~~and eight (8) true copies thereof~~, together with a letter of transmittal ~~at least twenty-one (21) days prior to the Council meeting at which staff has calendared for consideration of the final plat.~~ **ELECTRONICALLY USING THE ONLINE DEVELOPMENT SERVICES SUBMISSION PORTAL.**

~~B. The subdivider shall also file one (1) photo-mechanical transfer print (PMT) of the final plat after all certificates have been signed. The PMT's shall be eight and one-half (8½) inches by eleven (11) inches in size and so arranged that each may be bound as a right-hand page in a book with a blank margin not less than one and one-half (1½) inches wide along the left, the margin being included in the eight and one-half (8½) inch dimension.~~

~~C.~~ **B. ONCE APPROVED BY STAFF**, the subdivider shall file ~~one (1) Mylar~~ **TWO (2) MYLARS AND ONE (1) PAPER BOND** each of the subdivision at a true scale of one (1) inch to two hundred (200) feet. ~~FOR SIGNATURE BY THE DIRECTOR OF DEVELOPMENT SERVICES OR DESIGNEE, AND THE CITY ENGINEER.~~ The Mylars shall contain lot layout, street configuration, and street names.

~~C.D.~~ The subdivider shall file ~~one (1) computer disk containing~~ the final plat and all required submittals in a format suitable for computer generation of stored information.

##### 48-8.5. Final plat review.

A. The **DEVELOPMENT SERVICES** Department, upon receipt of the final plat submittal, shall immediately record the receipt and date of filing and check it for completeness. If incomplete, the date of filing shall be voided and the submittal shall be returned to the subdivider. If complete, the Department shall review the plat for substantial conformity to the approved preliminary plat **WITHIN 20 BUSINESS DAYS**; and refer copies of the submittal to ~~the following~~ **OTHER RELEVANT** reviewing offices, which shall make known their recommendations to the Department. ~~for its report to the City Council:~~

~~1. Director of Public Works and Utilities and the designated City Engineer for approval of proposed street system, for examination of survey computations of the plat, and for approval of sewer, water, reclaimed water system, stormwater retention and other public works issues.~~

~~2. Community Services Director, when applicable.~~

B. The Department shall assemble the requirements and recommendations of the various reviewing offices, prepare a concise summary of recommendations, and submit said summary together with the reviewer's requirements and recommendations to the ~~City Council~~ DIRECTOR OF DEVELOPMENT SERVICES OR DESIGNEE. In the event that the Department finds that the final plat does not conform essentially to the preliminary plat, as approved by the Council, then the final plat shall be rejected by the Department and shall not be APPROVED ~~considered by the City Council~~. If the developer desires to substantially modify the preliminary plat, an application to amend the preliminary plat may be filed to be considered by the Commission and the City Council in the same manner and with the same requirements as the original preliminary plat.

48-8.6. Final plat approval.

~~A. Upon receipt of a request for Council action from the Department, the Clerk shall place the case on the agenda of the next regular City Council meeting, whereupon the Council shall approve or deny the plat.~~

~~B. If the Council rejects the plat, the Council shall make findings indicating in what manner the final plat substantially differs from the approved preliminary plat.~~

~~C. If the Council approves the plat, the Clerk shall transcribe a certificate of approval upon the plat, first making sure that the other required certifications have been duly signed, and that engineering plans have been approved by the designated City Engineer.~~

~~D. When the certificate of approval by the Council has been transcribed on the plat, the Clerk shall cause the approved final plat to be recorded in the Office of the County Recorder of Maricopa County and distribute originals of the recorded plat to the Public Works and Utilities Department, the County Recorder, and a print of the recorded plat to the County Assessor, all at the expense of the subdivider.~~

A. THE FINAL PLAT MUST BE APPROVED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR COMPLETION, OR TEMPORARY CERTIFICATE OF OCCUPANCY OR COMPLETION.

B. WHEN THE DEVELOPMENT SERVICES DIRECTOR OR DESIGNEE HAS APPROVED THE FINAL PLAT, THE CITY CLERK SHALL CAUSE THE APPROVED PLAT TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY AND DISTRIBUTE ORIGINALS OF THE RECORDED PLAT TO THE DEVELOPMENT SERVICES DEPARTMENT, THE COUNTY RECORDER, AND A PRINT OF THE RECORDED PLAT TO THE COUNTY ASSESSOR, ALL AT THE EXPENSE OF THE SUBDIVIDER.

...

48-8.12. *Required certifications.* The following certifications are required:

A. Certification by the registered land surveyor making the plat that the final plat is correct and accurate and that the monuments described in it have either been set or located as described. The signature of such surveyor shall be accompanied by seal.

B. Certification by the Director of Development Services that the final plat is in essential conformance with the approved preliminary plat.

C. Certification by the designated City Engineer that all engineering conditions and requirements of this chapter and imposed by the City Council as conditions of approval have been complied with.

~~D. Certification by the City Clerk of the date the map was approved by the City Council.~~

~~ED.~~ Certificate of recordation by the County Recorder.

...

**48-10. Subdivision design principles and standards.**

Every subdivision shall conform to the goals and objectives adopted and contained in the Chandler General Plan. The subdivision shall also conform to the Chapter 35 Zoning and other applicable codes and ordinances of the City and the Arizona Revised Statutes, where applicable.

Where a tract of land to be subdivided contains all or any part of an area for a park, school, flood control facility or area shown on the general plan or recommended by the Commission, such site shall be platted showing streets and lots with the area delineated by a bold line and the purpose of the site designated. An agreement shall be reached between the subdivider and the public agency relative to date, method and cost of such acquisition within one (1) year or such extensions of time as may be mutually agreed upon, from recording of the final plat. If such agreement cannot be reached between the subdivider and the public agency relative to date, method and cost of such acquisition in such time period, the ~~City Council~~ **DIRECTOR OF DEVELOPMENT SERVICES OR DESIGNEE** shall make a determination relative to the compliance with the requirements of this section.

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Senate Engrossed House Bill  
accessory dwelling units; requirements.

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

# HOUSE BILL 2720

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 9-461.18; AMENDING SECTION 9-500.39, ARIZONA REVISED  
STATUTES; 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 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.

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 ANY UTILITY THAT IS CURRENTLY USING THE PUBLIC  
13 UTILITY EASEMENT OR THAT MAY USE THE PUBLIC UTILITY EASEMENT IN THE  
14 FUTURE.

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

19 G. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED  
20 ON TRIBAL LAND, ON LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY  
21 AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461, ON  
22 LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION ADMINISTRATION  
23 COMMERCIALY LICENSED AIRPORT OR A GENERAL AVIATION AIRPORT OR ON LAND IN  
24 THE TERRITORY IN THE VICINITY OF A PUBLIC AIRPORT AS DEFINED IN SECTION  
25 28-8486.

26 H. FOR THE PURPOSES OF THIS SECTION:

27 1. "ACCESSORY DWELLING UNIT" MEANS A SELF-CONTAINED LIVING UNIT  
28 THAT IS ON THE SAME LOT OR PARCEL AS A SINGLE-FAMILY DWELLING OF GREATER  
29 SQUARE FOOTAGE THAN THE ACCESSORY DWELLING UNIT, THAT INCLUDES ITS OWN  
30 SLEEPING AND SANITATION FACILITIES AND THAT MAY INCLUDE ITS OWN KITCHEN  
31 FACILITIES.

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

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

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

38 5. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE  
39 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE  
40 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY  
41 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE  
42 ZONING REGULATIONS.

1           6. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT  
2 THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH  
3 THE MUNICIPALITY, SHALL BE RENTED TO HOUSEHOLDS EARNING UP TO EIGHTY  
4 PERCENT OF AREA MEDIAN INCOME.

5           Sec. 2. Section 9-500.39, Arizona Revised Statutes, is amended to  
6 read:

7           9-500.39. Limits on regulation of vacation rentals and  
8 short-term rentals; state preemption; civil  
9 penalties; transaction privilege tax license  
10 suspension; definitions

11           A. A city or town may not prohibit vacation rentals or short-term  
12 rentals.

13           B. A city or town may not restrict the use of or regulate vacation  
14 rentals or short-term rentals based on their classification, use or  
15 occupancy except as provided in this section. A city or town may regulate  
16 vacation rentals or short-term rentals as follows:

17           1. To protect the public's health and safety, including rules and  
18 regulations related to fire and building codes, health and sanitation,  
19 transportation or traffic control and solid or hazardous waste and  
20 pollution control, if the city or town demonstrates that the rule or  
21 regulation is for the primary purpose of protecting the public's health  
22 and safety.

23           2. To adopt and enforce use and zoning ordinances, including  
24 ordinances related to noise, protection of welfare, property maintenance  
25 and other nuisance issues, if the ordinance is applied in the same manner  
26 as other property classified under sections 42-12003 and 42-12004.

27           3. To limit or prohibit the use of a vacation rental or short-term  
28 rental for the purposes of housing sex offenders, operating or maintaining  
29 a sober living home, selling illegal drugs, liquor control or pornography,  
30 obscenity, nude or topless dancing and other adult-oriented businesses.

31           4. To require the owner of a vacation rental or short-term rental  
32 to provide the city or town ~~an~~ WITH emergency ~~point of~~ contact information  
33 for the owner or the owner's designee who is responsible for responding to  
34 complaints or emergencies in a timely manner in person if required by  
35 public safety personnel, over the phone or by email at any time of day  
36 before offering for rent or renting the vacation rental or short-term  
37 rental. In addition to any other penalty IMPOSED pursuant to this  
38 section, the city or town may impose a civil penalty of up to \$1,000  
39 against the owner for every thirty days the owner fails to provide contact  
40 information as prescribed by this paragraph. The city or town shall  
41 provide thirty days' notice to the owner before imposing the initial civil  
42 penalty.

43           5. To require ~~an~~ THE owner of a vacation rental or short-term  
44 rental to obtain and maintain a local regulatory permit or license  
45 ~~pursuant to title 9, chapter 7, article 4.~~ As a condition of issuance of



1 a permit or license, the application for the permit or license may require  
2 an applicant to provide only the following:

3 (a) THE name, address, ~~phone~~ TELEPHONE number and email address for  
4 the owner or owner's agent.

5 (b) THE address of the vacation rental or short-term rental.

6 (c) Proof of compliance with section 42-5005.

7 (d) Contact information required pursuant to paragraph 4 of this  
8 subsection.

9 (e) Acknowledgment of an agreement to comply with all applicable  
10 laws, regulations and ordinances.

11 (f) A fee not to exceed the actual cost of issuing the permit or  
12 license or \$250, whichever is less.

13 6. To require, before offering a vacation rental or short-term  
14 rental for rent for the first time, the owner or the owner's designee of a  
15 vacation rental or short-term rental to notify all single-family  
16 residential properties adjacent to, ~~AND~~ AND directly and diagonally across  
17 the street from the vacation rental or short-term rental. Notice shall be  
18 deemed sufficient in a multifamily residential building if given to  
19 residents on the same building floor. A city or town may require  
20 additional notification pursuant to this paragraph if the contact  
21 information previously provided changes. Notification provided in  
22 compliance with this paragraph shall include the permit or license number  
23 if required by the city or town, the address, ~~OF THE VACATION RENTAL OR~~  
24 SHORT-TERM RENTAL and the information required pursuant to paragraph 4 of  
25 this subsection. The owner or the owner's designee shall demonstrate  
26 compliance with this paragraph by providing the city or town with an  
27 attestation of notification compliance that consists of the following  
28 information:

29 (a) The permit or license number of the vacation rental or  
30 short-term rental, if required by the city or town.

31 (b) The address of each property notified.

32 (c) A description of the manner in which the owner or owner's  
33 designee chose to provide notification to each property subject to  
34 notification.

35 (d) The name and contact information of the person attesting to  
36 compliance with this paragraph.

37 7. To require the owner or owner's designee of a vacation rental or  
38 short-term rental to display the local regulatory permit number or license  
39 number, if any, on each advertisement for a vacation rental or short-term  
40 rental that the owner or owner's designee maintains. A city or town that  
41 does not require a local regulatory permit or license may require the  
42 owner or owner's designee of a vacation rental or short-term rental to  
43 display the transaction privilege tax license NUMBER required by section  
44 42-5042 on each advertisement for a vacation rental or short-term rental  
45 that the owner or owner's designee maintains.

1           8. To require the vacation rental or short-term rental to maintain  
2 liability insurance appropriate to cover the vacation rental or short-term  
3 rental in the aggregate of at least \$500,000 or to advertise and offer  
4 each vacation rental or short-term rental through an online lodging  
5 marketplace that provides equal or greater coverage.

6           9. TO REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL  
7 TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING  
8 UNIT THAT WAS CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT  
9 TO THIS SECTION AND THAT IS BEING USED AS A VACATION RENTAL OR SHORT-TERM  
10 RENTAL. UNLESS THE TIME PERIOD SPECIFIED IN SECTION 12-1134, SUBSECTION G  
11 HAS EXPIRED, THIS PARAGRAPH DOES NOT APPLY TO A PROPERTY OWNER WHO HAS THE  
12 RIGHT TO BUILD AN ACCESSORY DWELLING UNIT ON THE PROPERTY OWNER'S PROPERTY  
13 BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION WHETHER OR NOT  
14 THE ACCESSORY DWELLING UNIT HAS BEEN BUILT.

15           C. A city or town that requires a local regulatory permit or  
16 license pursuant to this section shall issue or deny the permit or license  
17 within seven business days of receipt of the information required by  
18 subsection B, paragraph 5 of this section and otherwise in accordance with  
19 section 9-835, except that a city or town may deny issuance of a permit or  
20 license only for any of the following:

21           1. Failure to provide the information required by subsection B,  
22 paragraph 5, subdivisions (a) through (e) of this section.

23           2. Failure to pay the required permit or license fee.

24           3. At the time of application the owner has a suspended permit or  
25 license for the same vacation rental or short-term rental.

26           4. The applicant provides false information.

27           5. The owner or owner's designee of a vacation rental or short-term  
28 rental is a registered sex offender or has been convicted of any felony  
29 ~~act~~ OFFENSE that resulted in death or serious physical injury or any  
30 felony use of a deadly weapon within the past five years.

31           D. A city or town that requires a local regulatory permit or  
32 license pursuant to this section shall adopt an ordinance to allow the  
33 city or town to initiate an administrative process to suspend a local  
34 regulatory permit or license for a period of up to twelve months for the  
35 following verified violations associated with a property:

36           1. Three verified violations within a twelve-month period, not  
37 including any verified violation based on an aesthetic, solid waste  
38 disposal or vehicle parking violation that is not also a serious threat to  
39 public health and safety.

40           2. One verified violation that results in or constitutes any of the  
41 following:

42           (a) A felony offense committed at or in the vicinity of a vacation  
43 rental or short-term rental by the vacation rental or short-term rental  
44 owner or owner's designee.

1 (b) A serious physical injury or wrongful death at or related to a  
2 vacation rental or short-term rental resulting from the knowing,  
3 intentional or reckless conduct of the vacation rental or short-term  
4 rental owner or owner's designee.

5 (c) An owner or owner's designee knowingly or intentionally housing  
6 a sex offender, allowing offenses related to adult-oriented businesses,  
7 sexual offenses or prostitution, or operating or maintaining a sober  
8 living home, in violation of a regulation or ordinance adopted pursuant to  
9 subsection B, paragraph 3 of this section.

10 (d) An owner or owner's designee knowingly or intentionally  
11 allowing the use of a vacation rental or short-term rental for a special  
12 event that would otherwise require a permit or license pursuant to a city  
13 or town ordinance or a state law or rule or for a retail, restaurant,  
14 banquet space or other similar use.

15 3. Notwithstanding paragraphs 1 and 2 of this subsection, any  
16 attempted or completed felony ~~act~~ OFFENSE, arising from the occupancy or  
17 use of a vacation rental or short-term rental, that results in a death, or  
18 actual or attempted serious physical injury, shall be grounds for judicial  
19 relief in the form of a suspension of the property's use as a vacation  
20 rental or short-term rental for a period of time that shall not exceed  
21 twelve months.

22 E. A city or town that requires sex offender background checks on a  
23 vacation rental or short-term rental guest shall waive the requirement if  
24 an online lodging marketplace performs a sex offender background check of  
25 the booking guest.

26 F. Notwithstanding any other law, a city or town may impose a civil  
27 penalty of the following amounts against an owner of a vacation rental or  
28 short-term rental if the owner receives one or more verified violations  
29 related to the same vacation rental or short-term rental property within  
30 the same twelve-month period:

31 1. Up to \$500 or up to an amount equal to one night's rent for the  
32 vacation rental or short-term rental as advertised, whichever is greater,  
33 for the first verified violation.

34 2. Up to \$1,000 or up to an amount equal to two nights' rent for  
35 the vacation rental or short-term rental as advertised, whichever is  
36 greater, for the second verified violation.

37 3. Up to \$3,500 or up to an amount equal to three nights' rent for  
38 the vacation rental or short-term rental as advertised, whichever is  
39 greater, for a third and any subsequent verified violation.

40 G. A vacation rental or short-term rental that fails to apply for a  
41 local regulatory permit or license in accordance with subsection B,  
42 paragraph 5 of this section, within thirty days of the local regulatory  
43 permit or license application process being made available by the city or  
44 town issuing such permits or licenses, must cease operations. In addition  
45 to any ~~finer~~ CIVIL PENALTIES imposed pursuant to subsection F of this

1 section, a city or town may impose a civil penalty of up to \$1,000 per  
2 month against the owner if the owner or owner's designee fails to apply  
3 for a regulatory permit or license within thirty days after receiving  
4 written notice of the failure to comply with subsection B, paragraph 5 of  
5 this section.

6 H. If multiple verified violations arise out of the same response  
7 to an incident at a vacation rental or short-term rental, those verified  
8 violations are considered one verified violation for the purpose of  
9 assessing civil penalties or suspending the regulatory permit or license  
10 of the owner ~~or owner's designee~~ pursuant to this section.

11 I. If the owner of a vacation rental or short-term rental has  
12 provided contact information to a city or town pursuant to subsection B,  
13 paragraph 4 of this section and if the city or town issues a citation for  
14 a violation of the city's or town's applicable laws, regulations or  
15 ordinances or a state law that occurred on the owner's vacation rental or  
16 short-term rental property, the city or town shall make a reasonable  
17 attempt to notify the owner or the owner's designee of the citation within  
18 seven business days after the citation is issued using the contact  
19 information provided pursuant to subsection B, paragraph 4 of this  
20 section. If the owner of a vacation rental or short-term rental has not  
21 provided contact information pursuant to subsection B, paragraph 4 of this  
22 section, the city or town is not required to provide such notice.

23 J. This section does not exempt an owner of a residential rental  
24 property, as defined in section 33-1901, from maintaining with the  
25 assessor of the county in which the property is located information  
26 required under title 33, chapter 17, article 1.

27 K. A vacation rental or short-term rental may not be used for  
28 nonresidential uses, including for a special event that would otherwise  
29 require a permit or license pursuant to a city or town ordinance or a  
30 state law or rule or for a retail, restaurant, banquet space or other  
31 similar use.

32 L. For the purposes of this section:

33 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN  
34 SECTION 9-461.18.

35 ~~1.~~ 2. "Online lodging marketplace" has the same meaning prescribed  
36 in section 42-5076.

37 ~~2.~~ 3. "Transient" has the same meaning prescribed in section  
38 42-5070.

39 ~~3.~~ 4. "Vacation rental" or "short-term rental":

40 (a) Means any individually or collectively owned single-family or  
41 one-to-four-family house or dwelling unit or any unit or group of units in  
42 a condominium or cooperative that is also a transient public lodging  
43 establishment or owner-occupied residential home offered for transient use  
44 if the accommodations are not classified for property taxation under  
45 section 42-12001.

1           (b) Does not include a unit that is used for any nonresidential  
2 use, including retail, restaurant, banquet space, event center or another  
3 similar use.

4           ~~4.~~ 5. "Verified violation" means a finding of guilt or civil  
5 responsibility for violating any state law or local ordinance relating to  
6 a purpose prescribed in subsection B, D, F or K of this section that has  
7 been finally adjudicated.

Conference Engrossed

backyard fowl; regulation; prohibition

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

# HOUSE BILL 2325

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 MUNICIPAL AND COUNTY 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. Backyard fowl regulation; prohibition; exceptions;  
5 state preemption; definition

6 A. A MUNICIPALITY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER  
7 REGULATION THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE  
8 ON A LOT THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL  
9 IN THE BACKYARD OF THE PROPERTY. A MUNICIPALITY MAY:

10 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

11 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR  
12 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY  
13 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE  
14 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

15 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND  
16 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

17 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS  
18 MIGRATION OF INSECTS.

19 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

20 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF  
21 CONTAINERS.

22 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

23 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A MUNICIPALITY  
24 SHALL ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A  
25 RESIDENTIAL COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER  
26 THAN THE FENCE LINE OF THE PROPERTY.

27 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS  
28 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE  
29 THE EFFECTIVE DATE OF THIS SECTION.

30 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN  
31 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL  
32 LAWS, ORDINANCES AND CHARTER PROVISIONS TO THE CONTRARY.

33 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF  
34 THE DOMESTIC CHICKEN.

35 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,  
36 is amended by adding section 11-820.04, to read:

37 11-820.04. Backyard fowl regulation; prohibition; exceptions;  
38 state preemption; definition

39 A. A COUNTY MAY NOT ADOPT ANY LAW, ORDINANCE OR OTHER REGULATION  
40 THAT PROHIBITS A RESIDENT OF A SINGLE-FAMILY DETACHED RESIDENCE ON A LOT  
41 THAT IS ONE-HALF ACRE OR LESS IN SIZE FROM KEEPING UP TO SIX FOWL IN THE  
42 BACKYARD OF THE PROPERTY. A COUNTY MAY:

43 1. PROHIBIT A RESIDENT FROM KEEPING MALE FOWL, INCLUDING ROOSTERS.

44 2. REQUIRE FOWL TO BE KEPT IN AN ENCLOSURE LOCATED IN THE REAR OR  
45 SIDE YARD OF THE PROPERTY AT LEAST TWENTY FEET FROM A NEIGHBORING PROPERTY

1 AND RESTRICT THE SIZE OF THE ENCLOSURE TO A MAXIMUM OF TWO HUNDRED SQUARE  
2 FEET WITH A MAXIMUM HEIGHT OF EIGHT FEET.

3 3. REQUIRE THE ENCLOSURE TO BE MAINTAINED AND MANURE PICKED UP AND  
4 DISPOSED OF OR COMPOSTED AT LEAST TWICE WEEKLY.

5 4. REQUIRE THAT COMPOSTED MANURE BE KEPT IN A WAY THAT PREVENTS  
6 MIGRATION OF INSECTS.

7 5. REQUIRE WATER SOURCES WITH ADEQUATE OVERFLOW DRAINAGE.

8 6. REQUIRE THAT FEED BE STORED IN INSECT-PROOF AND RODENT-PROOF  
9 CONTAINERS.

10 7. PROHIBIT FOWL FROM RUNNING AT LARGE.

11 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A COUNTY SHALL  
12 ENACT AN ORDINANCE THAT REQUIRES AN ENCLOSURE LOCATED IN A RESIDENTIAL  
13 COMMUNITY ON A LOT LESS THAN ONE ACRE IN SIZE TO BE SHORTER THAN THE FENCE  
14 LINE OF THE PROPERTY.

15 C. AN ORDINANCE THAT IS ENACTED AFTER THE EFFECTIVE DATE OF THIS  
16 SECTION DOES NOT APPLY TO AN ENCLOSURE THAT WAS CONSTRUCTED ON OR BEFORE  
17 THE EFFECTIVE DATE OF THIS SECTION.

18 D. THE PROPERTY RIGHTS OF PROPERTY OWNERS IN THIS STATE OUTLINED IN  
19 THIS SECTION ARE OF STATEWIDE CONCERN. THIS SECTION PREEMPTS ALL LOCAL  
20 LAWS AND ORDINANCES TO THE CONTRARY.

21 E. FOR THE PURPOSES OF THIS SECTION, "FOWL" MEANS A COCK OR HEN OF  
22 THE DOMESTIC CHICKEN.



~~telecommunications fund; report; posting~~  
(now: residential zoning; housing; assessment; hearings)

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

**CHAPTER 172**  
**SENATE BILL 1162**

AN ACT

AMENDING SECTION 9-462.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.4, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-469; RELATING TO MUNICIPALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-462.04, Arizona Revised Statutes, is amended  
3 to read:

4 9-462.04. Public hearing required; definition

5 A. If the municipality has a planning commission or a hearing  
6 officer, the planning commission or hearing officer shall hold a public  
7 hearing on any zoning ordinance. Notice of the time and place of the  
8 hearing including a general explanation of the matter to be considered and  
9 including a general description of the area affected shall be given at  
10 least fifteen days before the hearing in the following manner:

11 1. The notice shall be published at least once in a newspaper of  
12 general circulation published or circulated in the municipality, or if  
13 there is none, it shall be posted on the affected property in such a  
14 manner as to be legible from the public right-of-way and in at least ten  
15 public places in the municipality. A posted notice shall be printed so  
16 that the following are visible from a distance of one hundred feet: the  
17 word "zoning", the present zoning district classification, the proposed  
18 zoning district classification and the date and time of the hearing.

19 2. In proceedings involving rezoning of land that abuts other  
20 municipalities or unincorporated areas of the county or a combination of a  
21 municipality and an unincorporated area, copies of the notice of public  
22 hearing shall be transmitted to the planning agency of the governmental  
23 unit abutting such land. In proceedings involving rezoning of land that  
24 is located within the territory in the vicinity of a military airport or  
25 ancillary military facility as defined in section 28-8461, the  
26 municipality shall send copies of the notice of public hearing by first  
27 class mail to the military airport. In addition to notice by publication,  
28 a municipality may give notice of the hearing in any other manner that the  
29 municipality deems necessary or desirable.

30 3. In proceedings that are not initiated by the property owner  
31 involving rezoning of land that may change the zoning classification,  
32 notice by first class mail shall be sent to each real property owner, as  
33 shown on the last assessment of the property, of the area to be rezoned  
34 and all property owners, as shown on the last assessment of the property,  
35 within three hundred feet of the property to be rezoned.

36 4. In proceedings involving one or more of the following proposed  
37 changes or related series of changes in the standards governing land uses,  
38 notice shall be provided in the manner prescribed by paragraph 5 of this  
39 subsection:

40 (a) A ten percent or more increase or decrease in the number of  
41 square feet or units that may be developed.

42 (b) A ten percent or more increase or reduction in the allowable  
43 height of buildings.

1 (c) An increase or reduction in the allowable number of stories of  
2 buildings.

3 (d) A ten percent or more increase or decrease in setback or open  
4 space requirements.

5 (e) An increase or reduction in permitted uses.

6 5. In proceedings governed by paragraph 4 of this subsection, the  
7 municipality shall provide notice to real property owners pursuant to at  
8 least one of the following notification procedures:

9 (a) Notice shall be sent by first class mail to each real property  
10 owner, as shown on the last assessment, whose real property is directly  
11 governed by the changes.

12 (b) If the municipality issues utility bills or other mass mailings  
13 that periodically include notices or other informational or advertising  
14 materials, the municipality shall include notice of the changes with such  
15 utility bills or other mailings.

16 (c) The municipality shall publish the changes before the first  
17 hearing on such changes in a newspaper of general circulation in the  
18 municipality. The changes shall be published in a "display ad" covering  
19 not less than one-eighth of a full page.

20 6. If notice is provided pursuant to paragraph 5, subdivision (b)  
21 or (c) of this subsection, the municipality shall also send notice by  
22 first class mail to persons who register their names and addresses with  
23 the municipality as being interested in receiving such notice. The  
24 municipality may charge a fee not to exceed \$5 per year for providing this  
25 service and may adopt procedures to implement this paragraph.

26 7. Notwithstanding the notice requirements in paragraph 4 of this  
27 subsection, the failure of any person or entity to receive notice does not  
28 constitute grounds for any court to invalidate the actions of a  
29 municipality for which the notice was given.

30 B. If the matter to be considered applies to territory in a high  
31 noise or accident potential zone as defined in section 28-8461, the notice  
32 prescribed in subsection A of this section shall include a general  
33 statement that the matter applies to property located in the high noise or  
34 accident potential zone.

35 C. After the hearing, the planning commission or hearing officer  
36 shall render a decision in the form of a written recommendation to the  
37 governing body. The recommendation shall include the reasons for the  
38 recommendation and be transmitted to the governing body in the form and  
39 manner prescribed by the governing body.

40 D. If the planning commission or hearing officer has held a public  
41 hearing, the governing body may adopt the recommendations of the planning  
42 commission or hearing officer without holding a second public hearing if  
43 there is no objection, request for public hearing or other protest. The  
44 governing body shall hold a public hearing if requested by the party  
45 aggrieved or any member of the public or of the governing body, or, in any

1 case, if a public hearing has not been held by the planning commission or  
2 hearing officer. The governing body may consider the testimony of any  
3 party aggrieved when making its decision. In municipalities with  
4 territory in the vicinity of a military airport or ancillary military  
5 facility as defined in section 28-8461, the governing body shall hold a  
6 public hearing if, after notice is transmitted to the military airport  
7 pursuant to subsection A of this section and before the public hearing,  
8 the military airport provides comments or analysis concerning the  
9 compatibility of the proposed rezoning with the high noise or accident  
10 potential generated by military airport or ancillary military facility  
11 operations that may have an adverse impact on public health and safety,  
12 and the governing body shall consider and analyze the comments or analysis  
13 before making a final determination. Notice of the time and place of the  
14 hearing shall be given in the time and manner provided for the giving of  
15 notice of the hearing by the planning commission as specified in  
16 subsection A of this section. A municipality may give additional notice  
17 of the hearing in any other manner as the municipality deems necessary or  
18 desirable. For the purposes of this subsection, "party aggrieved" means  
19 any property owner within the notification area prescribed by subsection  
20 A, paragraph 3 of this section.

21 E. A municipality may enact an ordinance authorizing county zoning  
22 to continue in effect until municipal zoning is applied to land previously  
23 zoned by the county and annexed by the municipality, but not longer than  
24 six months after the annexation.

25 F. A municipality is not required to adopt a general plan before  
26 the adoption of a zoning ordinance.

27 G. If there is no planning commission or hearing officer, the  
28 governing body of the municipality shall perform the functions assigned to  
29 the planning commission or hearing officer.

30 H. If the owners of twenty percent or more of the property by area  
31 and number of lots, tracts and condominium units within the zoning area of  
32 the affected property, **EXCLUDING GOVERNMENT OWNED PROPERTY**, file a protest  
33 in writing against a proposed amendment, the change shall not become  
34 effective except by the favorable vote of three-fourths of all members of  
35 the governing body of the municipality. If any members of the governing  
36 body are unable to vote on such a question because of a conflict of  
37 interest, then the required number of votes for passage of the question  
38 shall be three-fourths of the remaining membership of the governing body,  
39 provided that such required number of votes shall not be less than a  
40 majority of the full membership of the legally established governing body.  
41 For the purposes of this subsection, the vote shall be rounded to the  
42 nearest whole number. A protest filed pursuant to this subsection shall  
43 be signed by the property owners, **EXCLUDING GOVERNMENT OWNED PROPERTY**,  
44 opposing the proposed amendment and filed in the office of the clerk of  
45 the municipality not later than 12:00 noon one business day before the

1 date on which the governing body will vote on the proposed amendment or on  
2 an earlier time and date established by the governing body.

3 I. In applying an open space element or a growth element of a  
4 general plan, a parcel of land shall not be rezoned for open space,  
5 recreation, conservation or agriculture unless the owner of the land  
6 consents to the rezoning in writing.

7 J. Notwithstanding section 19-142, subsection B, a decision by the  
8 governing body involving rezoning of land that is not owned by the  
9 municipality and that changes the zoning classification of such land may  
10 not be enacted as an emergency measure and the change shall not be  
11 effective for at least thirty days after final approval of the change in  
12 classification by the governing body.

13 K. For the purposes of this section, "zoning area" means both of  
14 the following:

15 1. The area within one hundred fifty feet, including all  
16 rights-of-way, of the affected property subject to the proposed amendment  
17 or change.

18 2. The area of the proposed amendment or change.

19 Sec. 2. Title 9, chapter 4, article 6.1, Arizona Revised Statutes,  
20 is amended by adding section 9-462.10, to read:

21 9-462.10. Residential zoning; amendment; applications;  
22 deadline; extensions; applicability

23 A. ON OR BEFORE JANUARY 1, 2025, A MUNICIPALITY SHALL ADOPT AN  
24 AMENDMENT TO THE MUNICIPALITY'S ZONING ORDINANCE THAT REQUIRES THE  
25 MUNICIPALITY TO DETERMINE WHETHER A ZONING APPLICATION IS ADMINISTRATIVELY  
26 COMPLETE WITHIN THIRTY DAYS AFTER RECEIVING THE APPLICATION. IF THE  
27 MUNICIPALITY DETERMINES THAT THE APPLICATION IS NOT ADMINISTRATIVELY  
28 COMPLETE, THE MUNICIPALITY SHALL FOLLOW THE PROCEDURES PRESCRIBED IN  
29 SECTION 9-835, SUBSECTION E UNTIL THE APPLICATION IS ADMINISTRATIVELY  
30 COMPLETE. THE MUNICIPALITY SHALL DETERMINE WHETHER A RESUBMITTED  
31 APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN FIFTEEN DAYS AFTER  
32 RECEIVING THE RESUBMITTED APPLICATION. AFTER DETERMINING THAT THE  
33 APPLICATION IS ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL APPROVE  
34 OR DENY THE APPLICATION WITHIN ONE HUNDRED EIGHTY DAYS.

35 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE MUNICIPALITY  
36 MAY EXTEND THE TIME FRAME TO APPROVE OR DENY THE REQUEST BEYOND ONE  
37 HUNDRED EIGHTY DAYS FOR EITHER OF THE FOLLOWING REASONS:

38 1. FOR EXTENUATING CIRCUMSTANCES, THE MUNICIPALITY MAY GRANT A  
39 ONETIME EXTENSION OF NOT MORE THAN THIRTY DAYS.

40 2. IF AN APPLICANT REQUESTS AN EXTENSION, THE MUNICIPALITY MAY  
41 GRANT EXTENSIONS OF THIRTY DAYS FOR EACH EXTENSION GRANTED.

42 C. THIS SECTION DOES NOT APPLY TO LAND THAT IS DESIGNATED AS A  
43 DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01,  
44 SUBSECTION A, PARAGRAPH 10 OR AN AREA THAT IS DESIGNATED AS HISTORIC ON  
45 THE NATIONAL REGISTER OF HISTORIC PLACES OR PLANNED AREA DEVELOPMENTS.

1           Sec. 3. Title 9, chapter 4, article 6.4, Arizona Revised Statutes,  
2 is amended by adding section 9-469, to read:

3           9-469. Municipal housing needs assessment; annual report;  
4                                   applicability

5           A. BEGINNING JANUARY 1, 2025 AND EVERY FIVE YEARS THEREAFTER, A  
6 MUNICIPALITY SHALL PUBLISH A HOUSING NEEDS ASSESSMENT THAT INCLUDES THE  
7 FOLLOWING:

8           1. THE TOTAL POPULATION GROWTH PROJECTED FOR THE SUBSEQUENT  
9 FIVE-YEAR PERIOD.

10           2. THE TOTAL JOB GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR  
11 PERIOD.

12           3. THE TOTAL AMOUNT OF RESIDENTIALLY ZONED LAND WITH DETAIL ON LAND  
13 ZONED AS SINGLE-FAMILY AND MULTIFAMILY.

14           4. THE TOTAL NEED FOR ADDITIONAL RESIDENTIAL HOUSING UNITS FOR RENT  
15 AND FOR SALE IN THE MUNICIPALITY TO MEET:

16           (a) ANY DEFICIENCIES IN HOUSING THE EXISTING POPULATION.

17           (b) ANY DEFICIENCIES IN HOUSING THE EXISTING WORKFORCE.

18           (c) POPULATION GROWTH PROJECTIONS.

19           (d) JOB GROWTH PROJECTIONS.

20           (e) HOUSING NEEDS ACROSS ALL VARIOUS INCOME LEVELS.

21           B. BEGINNING JANUARY 1, 2025 AND EVERY YEAR THEREAFTER, EACH  
22 MUNICIPALITY SHALL SUBMIT AN ANNUAL REPORT TO THE ARIZONA DEPARTMENT OF  
23 HOUSING ACCOUNTING FOR THE TOTAL NUMBER OF PROPOSED RESIDENTIAL HOUSING  
24 UNITS SUBMITTED TO THE MUNICIPALITY, THE TOTAL NUMBER OF NET NEW  
25 RESIDENTIAL HOUSING UNITS SUBMITTED TO THE MUNICIPALITY AND THE TOTAL  
26 NUMBER OF NEW RESIDENTIAL HOUSING UNITS THAT ARE ENTITLED, HAVE BEEN  
27 PLATTED, HAVE BEEN ISSUED A BUILDING PERMIT AND HAVE RECEIVED A  
28 CERTIFICATE OF OCCUPANCY BY THE MUNICIPALITY. THE ANNUAL REPORT SHALL  
29 INCLUDE ALL OF THE FOLLOWING:

30           1. THE NUMBER OF HOUSING DEVELOPMENT APPLICATIONS RECEIVED IN THE  
31 PRIOR YEAR.

32           2. THE NUMBER OF LOTS AND MULTIFAMILY UNITS INCLUDED IN ALL  
33 DEVELOPMENT APPLICATIONS IN THE PRIOR YEAR.

34           3. THE NUMBER OF LOTS AND MULTIFAMILY UNITS APPROVED AND  
35 DISAPPROVED OR OTHERWISE NOT APPROVED IN THE PRIOR YEAR.

36           4. A THRESHOLD PERCENTAGE REQUIREMENT OF MULTIFAMILY ZONED LAND  
37 VERSUS SINGLE-FAMILY ZONED LAND NEEDED TO MEET POPULATION DEMAND IN EACH  
38 MUNICIPALITY.

39           5. THE STATUS AND PROGRESS IN MEETING THE MUNICIPALITY'S HOUSING  
40 NEEDS.

41           6. A PLAN THAT SPECIFIES HOW THE MUNICIPALITY INTENDS TO SATISFY  
42 THE IDENTIFIED NEED FOR ADDITIONAL HOUSING UNITS WITHIN THE MUNICIPALITY.

43           C. A MUNICIPALITY THAT HAS CONDUCTED A HOUSING NEEDS ASSESSMENT  
44 REPORT AS OF JANUARY 1, 2021 SHALL AMEND ALL EXISTING REPORTS TO INCLUDE  
45 THE INFORMATION REQUIRED IN SUBSECTION A OF THIS SECTION.

1           D. THE ARIZONA DEPARTMENT OF HOUSING SHALL COMPILE THE REPORTS  
2 RECEIVED PURSUANT TO SUBSECTION B OF THIS SECTION AND SUBMIT THE REPORTS  
3 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE  
4 OF REPRESENTATIVES.  
5           E. THIS SECTION DOES NOT REQUIRE A MUNICIPALITY TO FULFILL THE  
6 PROJECTIONS IN THE HOUSING NEEDS ASSESSMENT REQUIRED BY SUBSECTION A OF  
7 THIS SECTION.  
8           F. THIS SECTION DOES NOT APPLY TO A MUNICIPALITY THAT IS LOCATED ON  
9 TRIBAL LAND OR A MUNICIPALITY WITH A POPULATION OF LESS THAN THIRTY  
10 THOUSAND PERSONS.

APPROVED BY THE GOVERNOR APRIL 23, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2024.

Senate Engrossed

administrative review; approvals; developments

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# SENATE BILL 1103

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 9-500.49; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA  
REVISED STATUTES, BY ADDING SECTION 11-269.27; RELATING TO MUNICIPAL  
POWERS.

(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 8, Arizona Revised Statutes,  
3 is amended by adding section 9-500.49, to read:

4 9-500.49. Administrative review and approval;  
5 self-certification program; expedited approval

6 A. NOTWITHSTANDING ANY OTHER LAW, THE LEGISLATIVE BODY OF A CITY OR  
7 TOWN MAY BY ORDINANCE DO THE FOLLOWING:

8 1. AUTHORIZE ADMINISTRATIVE PERSONNEL TO REVIEW AND APPROVE SITE  
9 PLANS, DEVELOPMENT PLANS, LAND DIVISIONS, LOT LINE ADJUSTMENTS, LOT TIES,  
10 PRELIMINARY PLATS, FINAL PLATS AND PLAT AMENDMENTS WITHOUT A PUBLIC  
11 HEARING.

12 2. AUTHORIZE ADMINISTRATIVE PERSONNEL TO REVIEW AND APPROVE DESIGN  
13 REVIEW PLANS BASED ON OBJECTIVE STANDARDS WITHOUT A PUBLIC HEARING.

14 3. ADOPT A SELF-CERTIFICATION PROGRAM ALLOWING REGISTERED  
15 ARCHITECTS AND PROFESSIONAL ENGINEERS TO CERTIFY AND BE RESPONSIBLE FOR  
16 COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND CONSTRUCTION STANDARDS FOR  
17 PROJECTS THAT THE ORDINANCE IDENTIFIES AS BEING QUALIFIED FOR  
18 SELF-CERTIFICATION.

19 4. ALLOW AT-RISK SUBMITTALS FOR CERTAIN ON-SITE PRELIMINARY GRADING  
20 AND DRAINAGE WORK OR INFRASTRUCTURE.

21 5. ALLOW APPLICANTS WITH A HISTORY OF COMPLIANCE WITH BUILDING  
22 CODES AND REGULATIONS TO BE ELIGIBLE FOR EXPEDITED PERMIT REVIEW.

23 B. APPLICATIONS FOR A LICENSE PURSUANT TO THIS SECTION ARE SUBJECT  
24 TO CHAPTER 7, ARTICLE 4 OF THIS TITLE.

25 C. FOR THE PURPOSES OF THIS SECTION, "OBJECTIVE" MEANS NOT  
26 INFLUENCED BY PERSONAL INTERPRETATION, TASTE OR FEELINGS OF A MUNICIPAL  
27 EMPLOYEE AND VERIFIABLE BY REFERENCE TO AN ADOPTED BENCHMARK, STANDARD OR  
28 CRITERION AVAILABLE AND KNOWABLE BY THE APPLICANT OR PROPONENT.

29 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes,  
30 is amended by adding section 11-269.27, to read:

31 11-269.27. Administrative review and approval;  
32 self-certification program; expedited approval

33 A. NOTWITHSTANDING ANY OTHER LAW, THE BOARD OF SUPERVISORS OF A  
34 COUNTY MAY BY ORDINANCE DO THE FOLLOWING:

35 1. AUTHORIZE ADMINISTRATIVE PERSONNEL TO REVIEW AND APPROVE SITE  
36 PLANS, DEVELOPMENT PLANS, LAND DIVISIONS, LOT LINE ADJUSTMENTS, LOT TIES,  
37 PRELIMINARY PLATS, FINAL PLATS AND PLAT AMENDMENTS WITHOUT A PUBLIC  
38 HEARING.

39 2. AUTHORIZE ADMINISTRATIVE PERSONNEL TO REVIEW AND APPROVE DESIGN  
40 PLANS BASED ON OBJECTIVE STANDARDS WITHOUT A PUBLIC HEARING.

41 3. ADOPT A SELF-CERTIFICATION PROGRAM ALLOWING REGISTERED  
42 ARCHITECTS AND PROFESSIONAL ENGINEERS TO CERTIFY AND BE RESPONSIBLE FOR  
43 COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND CONSTRUCTION STANDARDS FOR  
44 PROJECTS THAT THE ORDINANCE IDENTIFIES AS BEING QUALIFIED FOR  
45 SELF-CERTIFICATION.

- 1           4. ALLOW AT-RISK SUBMITTALS FOR CERTAIN ON-SITE PRELIMINARY GRADING  
2 AND DRAINAGE WORK OR INFRASTRUCTURE.
- 3           5. ALLOW APPLICANTS WITH A HISTORY OF COMPLIANCE WITH BUILDING  
4 CODES AND REGULATIONS TO BE ELIGIBLE FOR EXPEDITED PERMIT REVIEW.
- 5           B. APPLICATIONS FOR A LICENSE PURSUANT TO THIS SECTION ARE SUBJECT  
6 TO CHAPTER 11, ARTICLE 1 OF THIS TITLE.
- 7           C. FOR THE PURPOSES OF THIS SECTION, "OBJECTIVE" MEANS NOT  
8 INFLUENCED BY PERSONAL INTERPRETATION, TASTE OR FEELINGS OF A MUNICIPAL  
9 EMPLOYEE AND VERIFIABLE BY REFERENCE TO AN ADOPTED BENCHMARK, STANDARD OR  
10 CRITERION AVAILABLE AND KNOWABLE BY THE APPLICANT OR PROPONENT.