

DRAFT TEXT AMENDMENT (ZTA25-03)

SECTION 35.2.1011 “CENTRAL BUSINESS DISTRICT”

A. [RESERVED]

B. MIDDLE HOUSING

1. PURPOSE.

THE PURPOSE OF THIS ARTICLE IS TO CONFORM WITH A.R.S. § 9-462.13, WHICH REQUIRES MUNICIPALITIES WITH POPULATIONS OF 75,000 OR MORE PERSONS TO ALLOW DUPLEXES, TRIPLEXES, FOURPLEXES AND TOWNHOMES AS A PERMITTED USE NO LATER THAN JANUARY 1, 2026, ON BOTH OF THE FOLLOWING: (1) LOTS ZONED FOR SINGLE-FAMILY RESIDENTIAL USE WITHIN ONE MILE OF THE MUNICIPALITY'S CENTRAL BUSINESS DISTRICT; AND (2) AT LEAST TWENTY PERCENT OF ANY NEW DEVELOPMENT OF MORE THAN TEN CONTIGUOUS ACRES. THE REGULATIONS IN THIS ARTICLE ARE IN ADDITION TO OTHER CODES AND REQUIREMENTS OF THE CITY.

2. DEFINITIONS.

TERMS USED IN THIS ARTICLE HAVE THE FOLLOWING DEFINITIONS:

A. “*CENTRAL BUSINESS DISTRICT*” MEANS AN AREA OR SERIES OF AREAS DESIGNATED BY A MUNICIPALITY THAT ARE PRIMARILY NONINDUSTRIAL AND THAT ATTRACT COMMUNITY ACTIVITY, INCLUDING THE ENTIRE GEOGRAPHIC AREA THAT THE MUNICIPALITY HAS OFFICIALLY DESIGNATED AS ITS DOWNTOWN OR EQUIVALENT ON THE EFFECTIVE DATE OF THE SECTION.

B. “*DUPLEX*” MEANS TWO DWELLING UNITS ON THE SAME PARCEL OR LOT IN ATTACHED, DETACHED OR SEMI-DETACHED ARRANGEMENTS THAT ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN TWO HOUSEHOLDS LIVING INDEPENDENTLY FROM EACH OTHER.

C. “*FOURPLEX*” MEANS FOUR DWELLING UNITS ON THE SAME PARCEL OR LOT IN ATTACHED, DETACHED OR SEMI-DETACHED ARRANGEMENTS THAT ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN FOUR HOUSEHOLDS LIVING INDEPENDENTLY FROM EACH OTHER.

D. “*HOUSEHOLD*” MEANS EITHER:

(A) A SINGLE PERSON LIVING OR RESIDING IN A DWELLING OR PLACE OF RESIDENCE.

(B) TWO OR MORE PERSONS LIVING TOGETHER OR RESIDING IN THE SAME DWELLING OR PLACE OF RESIDENCE.

E. *“MIDDLE HOUSING”*:

(A) MEANS BUILDINGS THAT ARE COMPATIBLE IN SCALE, FORM AND CHARACTER WITH SINGLE-FAMILY HOUSES AND THAT CONTAIN TWO OR MORE ATTACHED, DETACHED, STACKED OR CLUSTERED HOMES.

(B) INCLUDES DUPLEXES, TRIPLEXES, FOURPLEXES AND TOWNHOUSES.

F. *“TOWNHOUSES”* MEANS DWELLING UNITS THAT ARE CONSTRUCTED IN A ROW OF TWO OR MORE ATTACHED UNITS IN WHICH EACH DWELLING UNIT SHARES AT LEAST ONE COMMON WALL WITH AN ADJACENT UNIT AND THAT ARE ACCESSED BY SEPARATE OUTDOOR ENTRANCES.

G. *“TRIPLEX”* MEANS THREE DWELLING UNITS ON THE SAME PARCEL OR LOT IN ATTACHED, DETACHED OR SEMI-DETACHED ARRANGEMENTS THAT ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN THREE HOUSEHOLDS LIVING INDEPENDENTLY FROM EACH OTHER.

3. ELIGIBILITY FOR MIDDLE HOUSING AS A PERMITTED USE.

A. ELIGIBILITY. SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A DUPLEX, TRIPLEX, FOURPLEX, OR TOWNHOME IS ALLOWED AS A PERMITTED USE ON:

1. A LOT ZONED FOR SINGLE-FAMILY RESIDENTIAL USE WITHIN ONE MILE OF THE MUNICIPALITY'S CENTRAL BUSINESS DISTRICT. “ZONED FOR SINGLE-FAMILY RESIDENTIAL USE” REFERS TO ZONING DISTRICTS THAT ALLOW FOR SINGLE-FAMILY HOMES ONLY.; OR

2. AT LEAST TWENTY PERCENT OF A NEW DEVELOPMENT OF MORE THAN TEN CONTIGUOUS ACRES. “NEW DEVELOPMENT” REFERS TO AN APPLICATION FOR UNIFIED (NON-PHASED) DEVELOPMENT PROJECT.

B. NON-ELIGIBILITY. THE FOLLOWING AREAS ARE NOT ELIGIBLE TO CONSTRUCT A DUPLEX, TRIPLEX, FOURPLEX, OR TOWNHOME AS A PERMITTED USE AS PROVIDED IN THIS ARTICLE:

1. AREAS THAT ARE NOT INCORPORATED;

2. AREAS THAT LACK SUFFICIENT URBAN SERVICES THE DEVELOPMENT SERVICES DIRECTOR WILL MAKE THE DETERMINATION OF WHETHER THERE ARE SUFFICIENT URBAN SERVICES;

3. AREAS THAT ARE NOT SERVED BY WATER AND SEWER SERVICES;

4. AREAS THAT ARE NOT ZONED FOR RESIDENTIAL USE;

5. AREAS THAT ARE NOT INCORPORATED AND ARE ZONED UNDER AN INTERIM ZONING DESIGNATION THAT MAINTAINS THE AREA'S POTENTIAL FOR PLANNED URBAN DEVELOPMENT;

6. AREAS COVERED UNDER A.R.S., TITLE 48, CHAPTER 6, ARTICLE 4;

7. ANY LAND WITHIN THE TERRITORY IN THE VICINITY OF A PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486 OR TO THE EXTENT THIS SECTION WOULD INTERFERE WITH THE PUBLIC AIRPORT'S ABILITY TO COMPLY WITH THE LAWS, REGULATIONS AND REQUIREMENTS OF THE UNITED STATES RELATED TO APPLYING FOR, RECEIVING OR SPENDING FEDERAL MONIES; AND

8. ANY LAND WITHIN THE TERRITORY IN THE VICINITY OF A MILITARY AIRPORT AS DEFINED IN A.R.S. § 28-8461.

C. APPLICATION PROCESS. A PROPERTY OWNER SEEKING TO DEVELOP AN ELIGIBLE PROJECT SHALL SUBMIT AN APPLICATION THAT INCLUDES THE FOLLOWING:

1. EVIDENCE SATISFACTORY TO THE DEVELOPMENT SERVICES DIRECTOR THAT THE PROPOSED DUPLEX, TRIPLEX, FOURPLEX, OR TOWNHOME IS ELIGIBLE AS A PERMITTED USE IN ACCORDANCE WITH THIS SECTION;

2. A SITE PLAN IN CONFORMANCE WITH THE CITY SITE PLAN REVIEW AND APPROVAL PROCESS;

3. EVIDENCE OF SITE PLAN REVIEW AND APPROVAL BY ANY UTILITY PROVIDER IMPACTED BY THE PROPOSED DEVELOPMENT;

4. EVIDENCE OF SUFFICIENT URBAN SERVICES FOR THE ENTIRE PROPOSED DEVELOPMENT;

5. EVIDENCE OF ADEQUATE EXISTING PUBLIC SEWER AND WATER SERVICE FOR THE ENTIRE PROPOSED DEVELOPMENT; AND

6. COMPLIANCE WITH ALL APPLICABLE BUILDING CODE, COMMERCIAL CODE, PLUMBING AND MECHANICAL CODE, ELECTRIC CODE, ENERGY CONSERVATION CODE, FIRE CODE, PROPERTY MAINTENANCE CODE, NEIGHBORHOOD PRESERVATION CODE, ANTI-BLIGHT CODE OR OTHER SIMILAR CODE.

D. UTILITIES. NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE, A UTILITY PROVIDER IMPACTED BY AN APPLICATION UNDER THIS SECTION SHALL HAVE THE OPPORTUNITY TO REVIEW AND APPROVE THE SITE PLAN FOR THE DEVELOPMENT.

E. DEVELOPMENT STANDARDS AND REQUIREMENTS. AN ELIGIBLE PROJECT SHALL COMPLY WITH THE FOLLOWING DEVELOPMENT STANDARDS AND REQUIREMENTS:

1. *PARKING*. ONE (1) OFF-STREET PARKING SPACE REQUIRED PER UNIT.

2. *HEIGHT*. MAXIMUM HEIGHT TO COMPLY WITH THE PROPERTY ZONING DISTRICT.

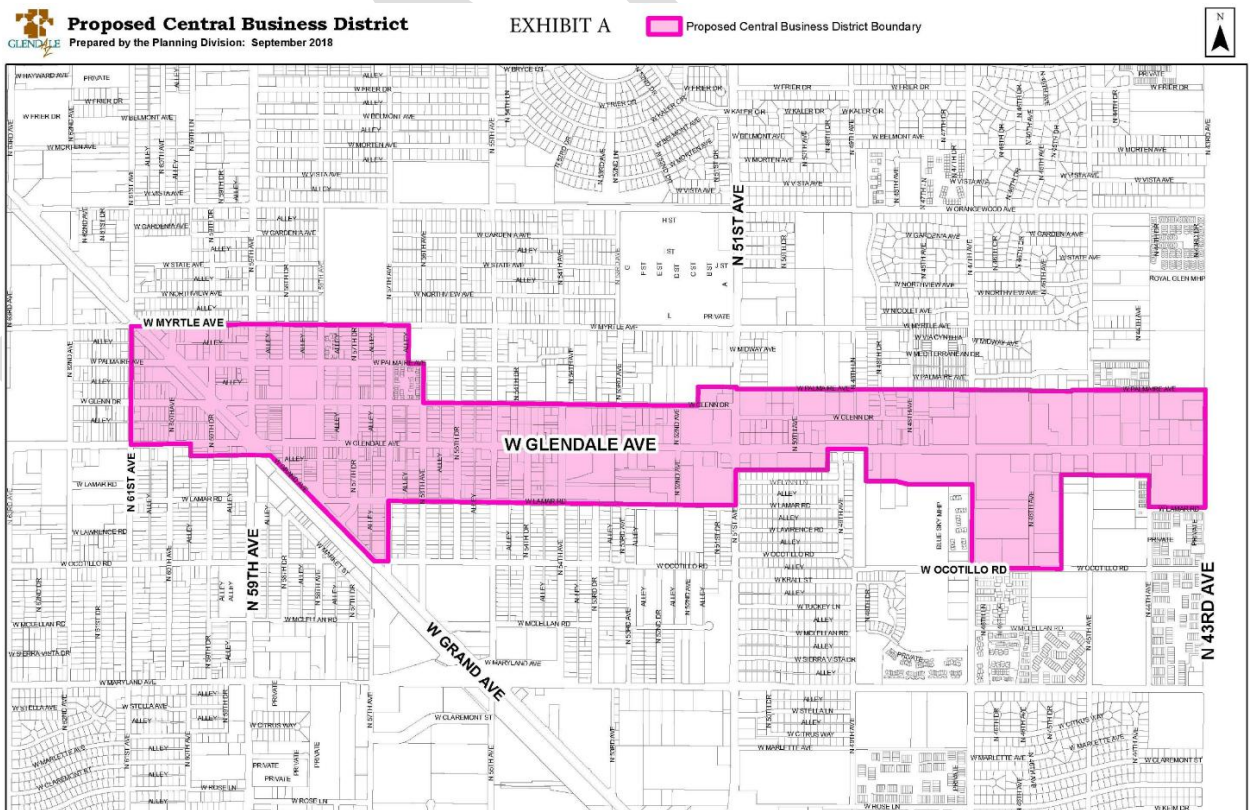
3. *DENSITY*. NO GREATER THAN 50% FLOOR AREA RATIO.

Section 35.8.003 – Use Standard Definitions.

Dwelling, Duplex: A single building containing two (2) dwelling units located on individual or separate lots designed for or used by a single housekeeping unit living independently of each other. Dwelling units are typically attached by a common vertical wall and may be side by side or up and down. **TWO (2) DWELLING UNITS ON THE SAME PARCEL OR LOT IN ATTACHED, DETACHED, OR SEMI-DETACHED ARRANGEMENTS THAT ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN TWO (2) HOUSEHOLDS LIVING INDEPENDENTLY FROM EACH OTHER.**

Section 35.8.004 – Specific Definitions.

CENTRAL BUSINESS DISTRICT: AN AREA OR SERIES OF AREAS DESIGNATED BY A MUNICIPALITY THAT ARE PRIMARILY NONINDUSTRIAL AND THAT ATTRACT COMMUNITY ACTIVITY, INCLUDING AREA AS DESIGNATED BY RESOLUTION NUMBER R19-07 AND ASSOCIATED MAP (SEE EXHIBIT A BELOW) ADOPTED JANUARY 22, 2019:



FOURPLEX: FOUR (4) DWELLING UNITS ON THE SAME PARCEL OR LOT IN ATTACHED, DETACHED, OR SEMI-DETACHED ARRANGEMENTS THAT ARE

DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN FOUR HOUSEHOLDS LIVING INDEPENDENTLY FROM EACH OTHER.

TRIPLEX: THREE (3) DWELLING UNITS ON THE SAME PARCEL OR LOT IN ATTACHED, DETACHED, OR SEMI-DETACHED ARRANGEMENTS THAT ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN THREE (3) HOUSEHOLDS LIVING INDEPENDENTLY FROM EACH OTHER.

Table 2.100-1: Table of Allowed Uses for Agricultural District

Residential Use Category ^[1]		
Dwelling, Single-Family Detached	P	Sec. 35.3.102.A
Dwelling, Modular Home	P	Sec. 35.3.102.D
Residential Care Home	P	Sec. 35.3.102.F
Short-term or Vacation Rental	P	

NOTES:

^[1] FOR MIDDLE HOUSING PROPOSALS, REFER TO SECTION 35.2.1011.B “MIDDLE HOUSING” FOR APPLICABLE REQUIREMENTS.

Table 2.200-1: Table of Allowed Uses for Rural/Suburban Residence Districts

Residential Use Category ^[1]					
Bed & Breakfast	C	C	C	C	
Dwelling, Single-Family Detached	P	P	P	P	Sec. 35.3.102.A
Dwelling, Modular Home	P	P	P	P	Sec. 35.3.102.D

Model Home Complex	X	P	P	P	Sec. 35.3.102.G
Residential Care Home	P	P	P	P	Sec. 35.3.102.F
Short-term or Vacation Rental	P	P	P	P	

NOTES:

**[1] FOR MIDDLE HOUSING PROPOSALS, REFER TO SECTION 35.2.1011.B
“MIDDLE HOUSING” FOR APPLICABLE REQUIREMENTS.**

Table 2.300-1: Table of Allowed Uses for Single Residence Districts

Residential Use Category ^[1]						
Dwelling, Duplex	X	X	X	X	P	
Dwelling, Single-Family Attached	X	X	X	X	P	
Dwelling, Single-Family Detached	P	P	P	P	P	Sec. 35.3.102.A
Dwelling, Modular Home	P	P	P	P	P	Sec. 35.3.102.D
Residential Care Home	P	P	P	P	P	Sec. 35.3.102.F
Model Home Complex	P	P	P	P	P	Sec. 35.3.102.G
Short-Term or Vacation Rental	P	P	P	P	P	

NOTES:

**[1] FOR MIDDLE HOUSING PROPOSALS, REFER TO SECTION 35.2.1011.B
“MIDDLE HOUSING” FOR APPLICABLE REQUIREMENTS.**

Table 2.400-1: Table of Allowed Uses for Multiple Residence Districts

Residential Use Category ^[1]					
Dwelling, Duplex	P	X	X	X	
Dwelling, Single-Family Attached	P	P	P	X	
Dwelling, Single-Family Detached	P ^[2]	P ^[2]	P ^[2]	X	Sec. 35.3.102.A
Dwelling, For Rent Community	P	P	P	P	Sec. 35.3.102.C
Dwelling, Multi-Family	P	P	P	P	
Dwelling, Live/Work	X	X	X	C	Sec. 35.3.102.B
Mixed-Use Residential	X	C	C	C	Sec. 35.3.102.E
Dwelling, Modular Home	P	X	X	X	Sec. 35.3.102.D
Group Care Home		C	C	C	Sec. 35.3.102.F
Model Home Complex	P	X	X	X	Sec. 35.3.102.G
Residential Care Home	P	X	X	X	Sec. 35.3.102.F
Residential Care Center	X	P	P	P	Sec. 35.3.102.F
Senior Care, Assisted Living, and Memory Care Facilities	X	X	X	C	
Short-term or Vacation Rental	P	P	P	P	

NOTES:

**[1] FOR MIDDLE HOUSING PROPOSALS, REFER TO SECTION 35.2.1011.B
“MIDDLE HOUSING” FOR APPLICABLE REQUIREMENTS.**

[2] Dwelling, Single Family Detached uses shall only be permitted for lots that were lawfully established and recorded prior to the date of the passage of this ordinance (insert date) and that do not meet the minimum dimension standards as defined in Table 2.400-2 for the zoning district in which they are located.

Table 2.500-1: Table of Allowed Uses for Commercial Districts

Residential Use Category [1]					
Dwelling, Live/Work	X	X	X	C	Sec. 35.3.102.B
Dwelling, Mixed-Use Residential	X	X	X	P	Sec. 35.3.102.E
Group Care Home	X	X	C	X	Sec. 35.3.102.F
Residential Care Center	P	P	X	X	Sec. 35.3.102.F
Senior Care, Assisted Living, and Memory Care Facilities	C	P	P	C	
Short-term or Vacation Rental	X	X	X	P	

NOTES:

**[1] FOR MIDDLE HOUSING PROPOSALS, REFER TO SECTION 35.2.1011.B
“MIDDLE HOUSING” FOR APPLICABLE REQUIREMENTS.**

Table 2.600-1: Table of Allowed Uses for Professional Office Districts

Residential Use Category [1]				
Dwelling, Single-Family Detached [2]	P	C	X	Sec. 35.3.102.A
Dwelling, Live/Work [2]	P	C	X	Sec. 35.3.102.B

Residential Care Home	P	X	X	Sec. 35.3.102.F
Short-term or Vacation Rental	P	X	X	

NOTES:

^[1] FOR MIDDLE HOUSING PROPOSALS, REFER TO SECTION 35.2.1011.B “MIDDLE HOUSING” FOR APPLICABLE REQUIREMENTS.

[‡]^[2] SHALL BE LIMITED TO A SINGLE RESIDENCE OCCUPIED BY OWNER OR EMPLOYEE OF BUSINESS ON THE PROPERTY.

Table 2.700-1: Table of Allowed Uses for Business/Industrial Districts

Specific Use Type	P = Permitted Use C = Conditional Use SU = Special Use District X = Prohibited
	Business/Industrial Zoning Districts ^[1]

NOTES:

^[1] FOR MIDDLE HOUSING PROPOSALS, REFER TO SECTION 35.2.1011.B “MIDDLE HOUSING” FOR APPLICABLE REQUIREMENTS.