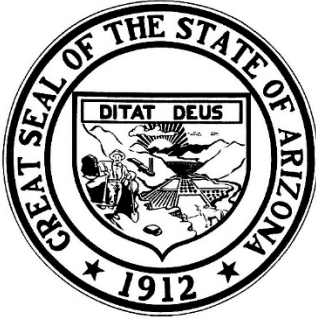


## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2928**

Márquez Floor Amendment

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The Márquez floor amendment dated 2/25/2025 at 7:20PM:

1. Carves out the following areas from zoning ordinances that deal with duplexes, triplexes, fourplexes, and other middle housing:
  - a. Areas that are designated as a district of historical significance.
  - b. Areas that are designated as historic by the governing body of the municipality.
  - c. Areas that are designated as historic on the national register of historical places.

Amendment explanation prepared by Nicole Lovato  
Phone Number 6-3517  
nl  
2/25/2025

MÁRQUEZ FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2928  
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 9-461.18, Arizona Revised Statutes, is amended  
3 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.

1       4. Require that an accessory dwelling unit match the exterior  
2 design, roof pitch or finishing materials of the single-family dwelling  
3 that is located on the same lot as the accessory dwelling unit.

4       5. Set restrictions for accessory dwelling units that are more  
5 restrictive than those for single-family dwellings within the same zoning  
6 area with regard to height, setbacks, lot size or coverage or building  
7 frontage.

8       6. Set rear or side setbacks for accessory dwelling units that are  
9 more than five feet from the property line.

10       7. Require improvements to public streets as a condition of  
11 allowing an accessory dwelling unit, except as necessary to reconstruct or  
12 repair a public street that is disturbed as a result of the construction  
13 of the accessory dwelling unit.

14       8. Require a restrictive covenant concerning an accessory dwelling  
15 unit on a lot or parcel zoned for residential use by a single-family  
16 dwelling.

17       C. This section does not prohibit restrictive covenants concerning  
18 accessory dwelling units entered into between private parties. The  
19 municipality may not condition a permit, license or use of an accessory  
20 dwelling unit on adopting or implementing a restrictive covenant between  
21 private parties.

22       D. This section does not supersede applicable building codes, fire  
23 codes or public health and safety regulations, except that a municipality  
24 may not require an accessory dwelling unit to comply with a commercial  
25 building code or contain a fire sprinkler.

26       E. An accessory dwelling unit may not be built on top of a current  
27 or planned public utility easement unless the property owner receives  
28 written consent from any utility that is currently using the public  
29 utility easement or that may use the public utility easement in the  
30 future.

31       F. If a municipality fails to adopt development regulations as  
32 required by this section on or before January 1, 2025, accessory dwelling  
33 units shall be allowed on all lots or parcels zoned for residential use in  
34 the municipality without limits.

35       G. This section does not apply to lots or parcels that are located  
36 on tribal land, on land in the territory in the vicinity of a military  
37 airport or ancillary military facility as defined in section 28-8461, on  
38 land in the territory in the vicinity of a federal aviation administration  
39 commercially licensed airport or a general aviation airport or on land in  
40 the territory in the vicinity of a public airport as defined in section  
41 28-8486 THAT HAS A NOISE LEVEL OF GREATER THAN SIXTY-FIVE DECIBELS.

42       H. THIS SECTION APPLIES TO A MUNICIPALITY WITH A POPULATION OF MORE  
43 THAN SEVENTY-FIVE THOUSAND PERSONS.

44       ~~H.~~ I. For the purposes of this section:

45       1. "Accessory dwelling unit" means a self-contained living unit  
46 that is on the same lot or parcel as a single-family dwelling of greater  
47 square footage than the accessory dwelling unit, that includes its own

1 sleeping and sanitation facilities and that may include its own kitchen  
2 facilities.

3       2. "Gross floor area" means the interior habitable area of a  
4 single-family dwelling or an accessory dwelling unit.

5       3. "Long-term rental" means rental use in which the tenant holds a  
6 lease of ninety days or longer or on a month-by-month basis.

7       4. "Municipality" means a city or town that exercises zoning powers  
8 under this title.

9       5. "Permitted use" means the ability for a development to be  
10 approved without requiring a public hearing, variance, conditional use  
11 permit, special permit or special exception, other than a discretionary  
12 zoning action to ~~determination~~ DETERMINE that a site plan conforms with  
13 applicable zoning regulations.

14       6. "Restricted-affordable dwelling unit" means a dwelling unit  
15 that, either through a deed restriction or a development agreement with  
16 the municipality, ~~shall be~~ IS rented to households earning up to eighty  
17 percent of area median income.

18       <<Sec. 2. Section 9-462.13, Arizona Revised Statutes, is amended to  
19 read:

20       9-462.13. Zoning; development; middle housing; applicability;  
21 definitions

22       A. On or before January 1, 2026, a municipality with a population  
23 of seventy-five thousand persons or more must authorize by ordinance and  
24 incorporate into its development regulations, zoning regulations and other  
25 official controls the development of duplexes, triplexes, fourplexes and  
26 townhomes as a permitted use on both of the following:

27       1. All lots zoned for single-family residential use within one mile  
28 of the municipality's central business district.

29       2. At least twenty percent of any new development of more than ten  
30 contiguous acres.

31       B. The municipality may not do any of the following:

32       1. Discourage the development of middle housing through  
33 requirements or actions that individually or cumulatively make  
34 impracticable the permitting, siting[?] or construction of middle housing.

35       2. Restrict middle housing types to less than two floors.

36       3. Restrict middle housing types to a floor area ratio of less than  
37 fifty percent.

38       4. Set restrictions, permitting or review processes for middle  
39 housing that are more restrictive than those for single-family dwellings  
40 within the same zone.

41       5. Require owner occupancy of any structures on the lot.

42       6. Require any structures to comply with a commercial building code  
43 or to contain a fire sprinkler.

44       7. Require more than one off-street parking space per unit.

45       C. This section does not prohibit the governing body of a  
46 municipality from allowing either of the following:

- 1        1. Single-family dwellings in areas zoned for single-family  
2 dwellings.
- 3        2. Additional types of middle housing not required under this  
4 section.
- 5        D. This section does not apply to any of the following:
- 6        1. Areas that are not incorporated.
- 7        2. Areas that lack sufficient urban services.
- 8        3. Areas that are not served by water and sewer services.
- 9        4. Areas that are not zoned for residential use.
- 10       5. Areas that are not incorporated and are zoned under an interim  
11 zoning designation that maintains the area's potential for planned urban  
12 development.
- 13       6. Areas covered under title 48, chapter 6, article 4.
- 14       7. Any land within the territory in the vicinity of a public  
15 airport as defined in section 28-8486 or to the extent this section would  
16 interfere with the public airport's ability to comply with the laws,  
17 regulations and requirements of the United States related to applying for,  
18 receiving or spending federal monies.
- 19       8. Any land within the territory in the vicinity of a military  
20 airport as defined in section 28-8461.
- 21       9. AREAS THAT ARE DESIGNATED AS A DISTRICT OF HISTORICAL  
22 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.
- 23       10. AREAS THAT ARE DESIGNATED AS HISTORIC BY THE GOVERNING BODY OF  
24 THE MUNICIPALITY.
- 25       11. AREAS THAT ARE DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER  
26 OF HISTORICAL PLACES.]
- 27       E. If a municipality does not adopt the regulations required by  
28 this section on or before January 1, 2026, middle housing shall be allowed  
29 on all lots in the municipality zoned for single-family residential use  
30 without any limitations.
- 31       F. This section does not change or otherwise impair the terms of  
32 any development agreement that exists on September 14, 2024.
- 33       G. Notwithstanding subsection A of this section, a utility provider  
34 impacted by a development being developed pursuant to this section shall  
35 have the opportunity to review and approve the site plan for the  
36 development.
- 37       H. For the ~~[purpose]~~ [PURPOSES] of this section:
- 38       1. "Building code":
- 39       (a) Means a construction code adopted by a municipality.
- 40       (b) Includes a model building code, commercial code, plumbing and  
41 mechanical code, electric code, energy conservation code, fire code,  
42 property maintenance code, neighborhood preservation code, antiblight code  
43 or other similar code.
- 44       2. "Central business district" means an area or series of areas  
45 designated by a municipality that are primarily nonindustrial and that  
46 attract community activity, including the entire geographic area that the

1 municipality has officially designated as its downtown or equivalent on  
2 September 14, 2024.

3 3. "Duplex" means two dwelling units on the same parcel or lot in  
4 attached, detached or semidetached arrangements that are designed for  
5 residential occupancy by not more than two households living independently  
6 from each other.

7 4. "Floor area ratio" means the ratio of allowed square footage in  
8 a middle housing project to the square footage of the parcel on which it  
9 is built.

10 5. "Fourplex" means four dwelling units on the same parcel or lot  
11 in attached, detached or semidetached arrangements that are designed for  
12 residential occupancy by not more than four households living  
13 independently from each other.

14 6. "Household" means either:

15 (a) A single person living or residing in a dwelling or place of  
16 residence.

17 (b) Two or more persons living together or residing in the same  
18 dwelling or place of residence.

19 7. "Middle housing":

20 (a) Means buildings that are compatible in scale, form and  
21 character with single-family houses and that contain two or more attached,  
22 detached, stacked or clustered homes.

23 (b) Includes duplexes, triplexes, fourplexes and townhouses.

24 8. "Permitted use" means the ability for a development to be  
25 approved without requiring a public hearing, variance, conditional use  
26 permit, special permit or special exception, other than a discretionary  
27 zoning action to ~~[determination]~~ [DETERMINE] that a site plan conforms  
28 with applicable zoning regulations.

29 9. "Townhouses" means dwelling units that are constructed in a row  
30 of two or more attached units in which each dwelling unit shares at least  
31 one common wall with an adjacent unit and that are accessed by separate  
32 outdoor entrances.

33 10. "Triplex" means three dwelling units on the same parcel or lot  
34 in attached, detached or semidetached arrangements that are designed for  
35 residential occupancy by not more than three households living  
36 independently from each other. >>

37 Sec. ~~[2]~~[3]. Section 11-269.17, Arizona Revised Statutes, is  
38 amended to read:

39 11-269.17. Limits on regulation of vacation rentals and  
40 short-term rentals; state preemption; civil  
41 penalties; transaction privilege tax license  
42 suspension; definitions

43 A. A county may not prohibit vacation rentals or short-term  
44 rentals.

45 B. A county may not restrict the use of or regulate vacation  
46 rentals or short-term rentals based on their classification, use or  
47 occupancy except as provided in this section. A county may regulate

1 vacation rentals or short-term rentals within the unincorporated areas of  
2 the county as follows:

3       1. To protect the public's health and safety, including rules and  
4 regulations related to fire and building codes, health and sanitation,  
5 transportation or traffic control and solid or hazardous waste and  
6 pollution control, if the county demonstrates that the rule or regulation  
7 is for the primary purpose of protecting the public's health and safety.

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

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

16       4. To require the owner of a vacation rental or short-term rental  
17 to provide the county with **EMERGENCY** contact information for the owner or  
18 the owner's designee who is responsible for responding to complaints or  
19 emergencies in a timely manner in person if required by public safety  
20 personnel, over the phone or by email at any time of day before offering  
21 for rent or renting the vacation rental or short-term rental. In addition  
22 to any other penalty **IMPOSED** pursuant to this section, the county may  
23 impose a civil penalty of up to \$1,000 against the owner for every thirty  
24 days the owner fails to provide contact information as prescribed by this  
25 paragraph. The county shall provide thirty days' notice to the owner  
26 before imposing the initial civil penalty.

27       5. To require ~~an~~ **THE** owner of a vacation rental or short-term  
28 rental to obtain and maintain a local regulatory permit or license. As a  
29 condition of issuance of a permit or license, the application for the  
30 permit or license may require an applicant to provide only the following:

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

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

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

35       (d) Contact information required pursuant to paragraph 4 of this  
36 subsection.

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

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

41       6. To require, before offering a vacation rental or short-term  
42 rental for rent for the first time, the owner or the owner's designee of a  
43 vacation rental or short-term rental to notify all single-family  
44 residential properties adjacent to ~~;~~ **AND** directly and diagonally across  
45 the street from the vacation rental or short-term rental. Notice shall be  
46 deemed sufficient in a multifamily residential building if given to  
47 residents on the same building floor. A county may require additional

1 notification pursuant to this paragraph if the contact information  
2 previously provided changes. Notification provided in compliance with  
3 this paragraph shall include the permit or license number if required by  
4 the county, the address, ~~OF THE VACATION RENTAL OR SHORT-TERM RENTAL~~ and  
5 the information required pursuant to paragraph 4 of this subsection. The  
6 owner or the owner's designee shall demonstrate compliance with this  
7 paragraph by providing the county with an attestation of notification  
8 compliance that consists of the following information:

9 (a) The permit or license number of the vacation rental or  
10 short-term rental, if required by the county.

11 (b) The address of each property notified.

12 (c) A description of the manner in which the owner or owner's  
13 designee chose to provide notification to each property subject to  
14 notification.

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

17 7. To require the owner or owner's designee of a vacation rental or  
18 short-term rental to display the local regulatory permit number or license  
19 number, if any, on each advertisement for a vacation rental or short-term  
20 rental that the owner or owner's designee maintains. A county that does  
21 not require a local regulatory permit or license may require the owner or  
22 owner's designee of a vacation rental or short-term rental to display the  
23 transaction privilege tax license **NUMBER** required by section 42-5042 on  
24 each advertisement for a vacation rental or short-term rental that the  
25 owner or owner's designee maintains.

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

31 **9. TO REQUIRE THE OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL**  
32 **TO RESIDE ON THE PROPERTY IF THE PROPERTY CONTAINS AN ACCESSORY DWELLING**  
33 **UNIT THAT WAS CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT**  
34 **TO THIS SECTION AND THAT IS BEING USED AS A VACATION RENTAL OR SHORT-TERM**  
35 **RENTAL. UNLESS THE TIME PERIOD SPECIFIED IN SECTION 12-1134, SUBSECTION G**  
36 **HAS EXPIRED, THIS PARAGRAPH DOES NOT APPLY TO A PROPERTY OWNER WHO HAS THE**  
37 **RIGHT TO BUILD AN ACCESSORY DWELLING UNIT ON THE PROPERTY OWNER'S PROPERTY**  
38 **BEFORE THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION WHETHER OR NOT**  
39 **THE ACCESSORY DWELLING UNIT HAS BEEN BUILT.**

40 C. A county that requires a local regulatory permit or license  
41 pursuant to this section shall issue or deny the permit or license within  
42 seven business days of receipt of the information required by subsection  
43 B, paragraph 5 of this section and otherwise in accordance with section  
44 11-1602, except that a county may deny issuance of a permit or license  
45 only for any of the following:

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



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

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

4           4. The applicant provides false information.

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

9           D. A county that requires a local regulatory permit or license  
10 pursuant to this section shall adopt an ordinance to allow the county to  
11 initiate an administrative process to suspend a local regulatory permit or  
12 license for a period of up to twelve months for the following verified  
13 violations associated with a property:

14           1. Three verified violations within a twelve-month period, not  
15 including any verified violation based on an aesthetic, solid waste  
16 disposal or vehicle parking violation that is not also a serious threat to  
17 public health or safety.

18           2. One verified violation that results in or constitutes any of the  
19 following:

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

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

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

32           (d) An owner or owner's designee knowingly or intentionally  
33 allowing the use of a vacation rental or short-term rental for a special  
34 event that would otherwise require a permit or license pursuant to a  
35 county ORDINANCE or a state law or rule or for a retail, restaurant,  
36 banquet space or other similar use.

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

44           E. A county that requires sex offender background checks on a  
45 vacation rental or short-term rental guest shall waive the requirement if  
46 an online lodging marketplace performs a sex offender background check of  
47 the booking guest.

1 F. Notwithstanding any other law, a county may impose a civil  
2 penalty of the following amounts against an owner of a vacation rental or  
3 short-term rental if the owner receives one or more verified violations  
4 related to the same vacation rental or short-term rental property within  
5 the same twelve-month period:

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

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

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

15 G. A vacation rental or short-term rental that fails to apply for a  
16 local regulatory permit or license in accordance with subsection B,  
17 paragraph 5 of this section, within thirty days of the local regulatory  
18 permit or license application process being made available by the county  
19 issuing such permits or licenses, must cease operations. In addition to  
20 any ~~finer~~ CIVIL PENALTIES imposed pursuant to subsection F of this  
21 section, a county may impose a civil penalty of up to \$1,000 per month  
22 against the owner if the owner or owner's designee fails to apply for a  
23 regulatory permit or license within thirty days after receiving written  
24 notice of the failure to comply with subsection B, paragraph 5 of this  
25 section.

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

31 I. If the owner of a vacation rental or short-term rental has  
32 provided contact information to a county pursuant to subsection B,  
33 paragraph 4 of this section and if the county issues a citation for a  
34 violation of the county's applicable laws, regulations or ordinances or a  
35 state law that occurred on the owner's vacation rental or short-term  
36 rental property, the county shall make a reasonable attempt to notify the  
37 owner or the owner's designee of the citation within seven business days  
38 after the citation is issued using the contact information provided  
39 pursuant to subsection B, paragraph 4 of this section. If the owner of a  
40 vacation rental or short-term rental has not provided contact information  
41 pursuant to subsection B, paragraph 4 of this section, the county is not  
42 required to provide such notice.

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

1 K. A vacation rental or short-term rental may not be used for  
2 nonresidential uses, including for a special event that would otherwise  
3 require a permit or license pursuant to a county ordinance or a state law  
4 or rule or for a retail, restaurant, banquet space or other similar use.

5 L. For the purposes of this section:

6 1. "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING PRESCRIBED IN  
7 SECTION 11-810.01.

8 ~~1.~~ 2. "Online lodging marketplace" has the same meaning prescribed  
9 in section 42-5076.

10 ~~2.~~ 3. "Transient" has the same meaning prescribed in section  
11 42-5070.

12 ~~3.~~ 4. "Vacation rental" or "short-term rental":

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

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

22 ~~4.~~ 5. "Verified violation" means a finding of guilt or civil  
23 responsibility for violating any state law or local ordinance relating to  
24 a purpose prescribed in subsection B, D, F or K of this section that has  
25 been finally adjudicated.

26 Sec. 3. Title 11, chapter 6, article 1, Arizona Revised Statutes,  
27 is amended by adding section 11-810.01, to read:

28 11-810.01. Accessory dwelling units; regulation;  
29 applicability; definitions

30 A. A COUNTY SHALL ADOPT REGULATIONS THAT ALLOW ON ANY LOT OR PARCEL  
31 WHERE A SINGLE-FAMILY DWELLING IS ALLOWED ALL OF THE FOLLOWING:

32 1. AT LEAST ONE ATTACHED AND ONE DETACHED ACCESSORY DWELLING UNIT  
33 AS A PERMITTED USE.

34 2. A MINIMUM OF ONE ADDITIONAL DETACHED ACCESSORY DWELLING UNIT AS  
35 A PERMITTED USE ON A LOT OR PARCEL THAT IS ONE ACRE OR MORE IN SIZE IF AT  
36 LEAST ONE ACCESSORY DWELLING UNIT ON THE LOT OR PARCEL IS A  
37 RESTRICTED-AFFORDABLE DWELLING UNIT.

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

41 B. A COUNTY MAY NOT DO ANY OF THE FOLLOWING:

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

45 2. REQUIRE A FAMILIAL, MARITAL, EMPLOYMENT OR OTHER PREEXISTING  
46 RELATIONSHIP BETWEEN THE OWNER OR OCCUPANT OF A SINGLE-FAMILY DWELLING AND

1 THE OCCUPANT OF AN ACCESSORY DWELLING UNIT LOCATED ON THE SAME LOT OR  
2 PARCEL.

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

6 4. REQUIRE THAT AN ACCESSORY DWELLING UNIT MATCH THE EXTERIOR  
7 DESIGN, ROOF PITCH OR FINISHING MATERIALS OF THE SINGLE-FAMILY DWELLING  
8 THAT IS LOCATED ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT.

9 5. SET RESTRICTIONS FOR ACCESSORY DWELLING UNITS THAT ARE MORE  
10 RESTRICTIVE THAN THOSE FOR SINGLE-FAMILY DWELLINGS WITHIN THE SAME ZONING  
11 AREA WITH REGARD TO HEIGHT, SETBACKS, LOT SIZE OR COVERAGE OR BUILDING  
12 FRONTAGE.

13 6. SET REAR OR SIDE SETBACKS FOR ACCESSORY DWELLING UNITS THAT ARE  
14 MORE THAN FIVE FEET FROM THE PROPERTY LINE.

15 7. REQUIRE IMPROVEMENTS TO PUBLIC STREETS AS A CONDITION OF  
16 ALLOWING AN ACCESSORY DWELLING UNIT, EXCEPT AS NECESSARY TO RECONSTRUCT OR  
17 REPAIR A PUBLIC STREET THAT IS DISTURBED AS A RESULT OF THE CONSTRUCTION  
18 OF THE ACCESSORY DWELLING UNIT.

19 8. REQUIRE A RESTRICTIVE COVENANT CONCERNING AN ACCESSORY DWELLING  
20 UNIT ON A LOT OR PARCEL ZONED FOR RESIDENTIAL USE BY A SINGLE-FAMILY  
21 DWELLING.

22 C. THIS SECTION DOES NOT PROHIBIT RESTRICTIVE COVENANTS CONCERNING  
23 ACCESSORY DWELLING UNITS ENTERED INTO BETWEEN PRIVATE PARTIES. THE COUNTY  
24 MAY NOT CONDITION A PERMIT OR LICENSE OR THE USE OF AN ACCESSORY DWELLING  
25 UNIT ON ADOPTING OR IMPLEMENTING A RESTRICTIVE COVENANT BETWEEN PRIVATE  
26 PARTIES.

27 D. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE  
28 CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS, EXCEPT THAT A COUNTY MAY  
29 NOT REQUIRE AN ACCESSORY DWELLING UNIT TO COMPLY WITH A COMMERCIAL  
30 BUILDING CODE OR CONTAIN A FIRE SPRINKLER.

31 E. AN ACCESSORY DWELLING UNIT MAY NOT BE BUILT ON TOP OF A CURRENT  
32 OR PLANNED PUBLIC UTILITY EASEMENT UNLESS THE PROPERTY OWNER RECEIVES  
33 WRITTEN CONSENT FROM ANY UTILITY THAT IS CURRENTLY USING THE PUBLIC  
34 UTILITY EASEMENT OR THAT MAY USE THE PUBLIC UTILITY EASEMENT IN THE  
35 FUTURE.

36 F. IF A COUNTY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS REQUIRED  
37 BY THIS SECTION ON OR BEFORE JANUARY 1, 2026, ACCESSORY DWELLING UNITS  
38 SHALL BE ALLOWED ON ALL LOTS OR PARCELS ZONED FOR RESIDENTIAL USE IN THE  
39 COUNTY WITHOUT LIMITS.

40 G. THIS SECTION DOES NOT APPLY TO LOTS OR PARCELS THAT ARE LOCATED  
41 ON TRIBAL LAND, ON LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY  
42 AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461, ON  
43 LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION ADMINISTRATION  
44 COMMERCIALLY LICENSED AIRPORT OR A GENERAL AVIATION AIRPORT OR ON LAND IN  
45 THE TERRITORY IN THE VICINITY OF A PUBLIC AIRPORT AS DEFINED IN SECTION  
46 28-8486 THAT HAS A NOISE LEVEL OF GREATER THAN SIXTY-FIVE DECIBELS.

47 H. FOR THE PURPOSES OF THIS SECTION:

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

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

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

10          5. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE  
11 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE  
12 PERMIT, SPECIAL PERMIT OR SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY  
13 ZONING ACTION TO DETERMINE THAT A SITE PLAN CONFORMS WITH APPLICABLE  
14 ZONING REGULATIONS.

15          6. "RESTRICTED-AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT  
16 THAT, EITHER THROUGH A DEED RESTRICTION OR A DEVELOPMENT AGREEMENT WITH  
17 THE COUNTY, IS RENTED TO HOUSEHOLDS EARNING UP TO EIGHTY PERCENT OF THE  
18 AREA MEDIAN INCOME.

19 Enroll and engross to conform

20 Amend title to conform

AARON MÁRQUEZ

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