

ORDINANCE NO. 5141

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED “2025 AMENDMENTS TO CHANDLER CITY CODE CHAPTER 35” TO BE A PUBLIC RECORD; AMENDING CHAPTER 35 LAND USE AND ZONING, RELATING TO ALLOWING MIDDLE HOUSING AS REQUIRED BY STATE LAW; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES.

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

WHEREAS, in 2024 the Arizona Legislature adopted House Bill 2721, codified as Ariz Rev. Stat. § 9-462.13, requiring a municipality to authorize by ordinance, and incorporate into its development regulations, zoning regulations and other official controls allowing the development of duplexes, triplexes, fourplexes, and townhomes as a permitted use; and

WHEREAS, Ariz. Rev. Stat. § 9-462.13 mandates that this code amendment be adopted on or before January 1, 2026 and places strict limitations on the types of regulations that a city is allowed to impose on the construction of duplexes, triplexes, fourplexes, and townhomes; and

WHEREAS, this ordinance is being adopted to comply with this bill that was 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 constructing housing for sale or rent; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on October 15, 2025.

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

Section 1. That certain document known as “2025 Amendments to Chandler City Code Chapter 35,” one paper copy and one electronic copy of which shall remain on file in the Office of the Clerk, is hereby declared to be a public record. A copy of the document is attached to this Ordinance as Exhibit A.

Section 2. That the Chandler City Code is hereby amended by adoption of amendments contained in “2025 Amendments to Chandler City Code Chapter 35.”

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ordinances or parts of ordinances in conflict with the provisions of this Ordinance, or any parts hereof, are hereby repealed.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 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, then this entire ordinance is invalid and shall have no force or effect.

Section 6. A violation 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 _____ day of _____, 2025.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this _____ day of _____, 2025.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5141 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2025, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *Ta*

Published:

"2025 Amendments to Chandler City Code Chapter 35"

The Chandler City Code Chapter 35- Property Maintenance, Chapter 35- Land Use and Zoning, is hereby amended to read as follows (additions in **ALL CAPS**, deletions in ~~strikethrough~~, omitted text indicated by ellipses as "..."):

ARTICLE II. - DEFINITIONS

35-200. - Definitions.

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CENTRAL BUSINESS DISTRICT: FOR PURPOSES OF CHAPTER 35, CENTRAL BUSINESS DISTRICT MEANS THAT AREA DESIGNATED AS THE CITY'S DOWNTOWN PURSUANT TO ARIZ. REV. STAT. § 9-462.13, HAVING THE BOUNDARIES CONSISTING OF THE CENTERLINES OF CHANDLER BOULEVARD ON THE NORTH, THE UNION PACIFIC RAILROAD ON THE EAST, PECOS ROAD ON THE SOUTH, AND PALM LANE AND ESSEX STREET ON THE WEST AS DEPICTED IN SECTION 35-3505.

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Dwelling, townhouse: Building that has not less than three (3) nor more than eight (8) single-family housekeeping units erected in row as a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from ground floor to roof along a dividing lot line, and each such building being separated from other buildings by required yard areas.

DWELLING, DUPLEX: 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 INDEPENDENT FROM EACH OTHER.

DWELLING, FOURPLEX: 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 INDEPENDENT FROM EACH OTHER.

DWELLING, TRIPLEX: 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.

...

MIDDLE HOUSING: RESIDENTIAL 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, INCLUDING DUPLEXES, TRIPLEXES, FOURPLEXES, AND TOWNHOUSES.

...

ARTICLE XXXV. – MIDDLE HOUSING OVERLAY DISTRICT

35-3501. - GENERAL INTENT AND PURPOSE.

THE PURPOSE OF THIS ARTICLE IS TO CONFORM WITH ARIZ. REV. STAT. § 9-462.13, WHICH REQUIRES MUNICIPALITIES WITH POPULATIONS OF 75,000 OR MORE PERSONS TO AUTHORIZE DUPLEXES, TRIPLEXES, FOURPLEXES, AND TOWNHOUSES AS A PERMITTED USE ON BOTH OF THE FOLLOWING:

- (1) ALL LOTS ZONED FOR SINGLE-FAMILY RESIDENTIAL USE WITHIN ONE MILE OF THE CITY'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.

35-3502. - USES PERMITTED.

MIDDLE HOUSING BUILDINGS ARE CONSIDERED A PERMITTED USE AS DEFINED IN ARIZ. REV. STAT § 9-462.13, SUCH THAT CONSTRUCTION OF MIDDLE HOUSING WILL BE APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE PERMIT, SPECIAL PERMIT, OR OTHER SPECIAL EXCEPTION. EXCEPT AS PROVIDED IN THIS ARTICLE, THE MIDDLE HOUSING OVERLAY DISTRICT DOES NOT CHANGE, ALTER, EXPAND, DIMINISH, OR OTHERWISE AFFECT ANY USES PERMITTED AS A MATTER OF RIGHT OR OTHERWISE IN ANY UNDERLYING ZONING DISTRICT FOR PROPERTY TO WHICH THE MIDDLE HOUSING OVERLAY DISTRICT APPLIES.

35-3503. - DEVELOPMENT STANDARDS

- (1) HEIGHT REGULATIONS: NO MIDDLE HOUSING BUILDING MAY EXCEED TWENTY-FIVE (25) FEET IN HEIGHT AT THE BUILDING SETBACK LINE, EXCEPT ANY BUILDING MAY EXCEED SUCH HEIGHT PROVIDED THAT AT NO POINT IT PROJECTS ABOVE A LINE SLOPING INWARD AND UPWARD AT A FORTY-FIVE (45) DEGREE ANGLE AT THE REQUIRED SETBACK LINE TO A MAXIMUM HEIGHT OF THIRTY-FIVE (35) FEET.
- (2) *INTENSITY OF LOT USE*: MIDDLE HOUSING GROSS BUILDING AREA SHALL NOT EXCEED FIFTY (50) PERCENT OF THE LOT AREA.

(3) MINIMUM PARKING REGULATIONS: MIDDLE HOUSING BUILDINGS MUST HAVE ONE COVERED OFF-STREET PARKING SPACE PER UNIT.

(4) SEE SECTION 35-1904 RESIDENTIAL DESIGN STANDARDS FOR ADDITIONAL SITE LAYOUT AND BUILDING ARCHITECTURE REQUIREMENTS.

(5) BUILDING SETBACKS FOR MIDDLE HOUSING BUILDINGS BUILT ON PROPERTIES ZONED AGRICULTURAL DISTRICT (AG-1), SINGLE-FAMILY DISTRICT (SF-33), SINGLE-FAMILY DISTRICT (SF-18), SINGLE-FAMILY DISTRICT (SF-10), SINGLE-FAMILY DISTRICT (SF-8.5), MEDIUM- DENSITY RESIDENTIAL DISTRICT (MF-1), MULTIPLE- FAMILY RESIDENTIAL DISTRICT (MF-2), AND HIGH- DENSITY RESIDENTIAL DISTRICT (MF-3) SHALL BE AS FOLLOWS:

- a. MINIMUM FRONT YARD SETBACK: TEN (10) FEET TO LIVABLE; 20 FEET TO REQUIRED COVERED PARKING
- b. MINIMUM SIDE YARD SETBACKS: FIVE (5) FEET
- c. MINIMUM REAR YARD SETBACK: TEN (10) FEET

(6) BUILDING SETBACKS FOR PROPERTIES ZONED PLANNED AREA DEVELOPMENT (PAD) SHALL COMPLY WITH THE SETBACKS ADOPTED IN THE PAD ZONING DESIGNATION.

35-3504. - APPLICABILITY.

(1) THE MIDDLE HOUSING OVERLAY DISTRICT APPLIES TO ANY PARCEL ZONED FOR SINGLE- FAMILY RESIDENTIAL USE THAT IS LOCATED WHOLLY OR PARTIALLY WITHIN THE BOUNDARIES OF THE MIDDLE HOUSING OVERLAY DISTRICT AS ESTABLISHED BY SECTION 35-3505, PROVIDED THAT THE ZONING ORDINANCE FOR THE SUBJECT SITE Allows FOR SINGLE-FAMILY RESIDENTIAL USES.

(2) THE MIDDLE HOUSING OVERLAY DISTRICT WILL ALSO BE DEEMED TO APPLY TO ANY PARCEL IN THE CITY ELIGIBLE TO BE INCLUDED IN THE MIDDLE HOUSING OPT-IN OVERLAY DESCRIBED IN SECTION 35-3506.

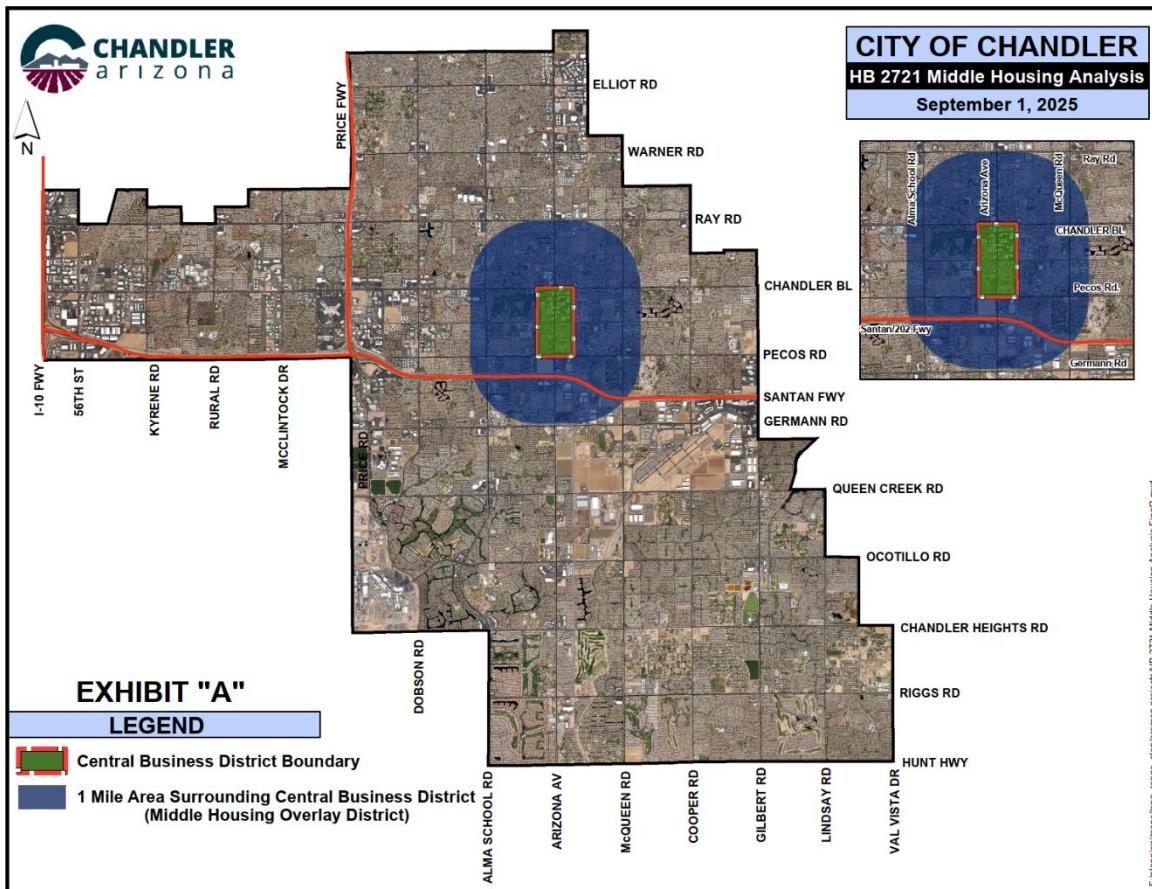
(3) THE CONSTRUCTION OF MIDDLE HOUSING UNITS WITHIN A LARGER NEW SINGLE-FAMILY DEVELOPMENT MAY NOT BE BUILT IN PHASES. BUILDING PERMITS FOR MIDDLE HOUSING MAY ONLY BE ISSUED AT THE TIME THE REMAINDER OF THE DEVELOPMENT HAS BEEN PERMITTED FOR CONSTRUCTION; AND

(4) THE DEVELOPMENT SITE SHALL NOT BE LOCATED WITHIN AN EXCLUSION AREA AS DESCRIBED IN SECTION 35-3506.

35-3505. - MIDDLE HOUSING OVERLAY DISTRICT BOUNDARIES.

FOR PURPOSE OF ADMINISTERING THESE REGULATIONS, THE MIDDLE HOUSING OVERLAY DISTRICT IS ESTABLISHED AS ENCOMPASSING THAT TERRITORY CONTAINED WITHIN THE CENTRAL BUSINESS DISTRICT AND ALSO WITHIN A ONE-MILE BUFFER EXTENDING OUTWARD FROM THE CENTRAL BUSINESS DISTRICT AS DEFINED IN THE OFFICIAL ZONING MAPS OF THE

CITY OF CHANDLER, AS AMENDED FROM TIME TO TIME, AND AS SHOWN IN THE FIGURE BELOW.



35-3506. – MIDDLE HOUSING OPT-IN OVERLAY

PROPERTIES THAT ARE PART OF A LARGER NEW DEVELOPMENT CAN ALSO CONSTRUCT MIDDLE HOUSING IF THE PARCELS CONSIST OF GREATER THAN TEN (10) CONTIGUOUS NET ACRES AND CONFORM TO THE FOLLOWING REGULATIONS:

- (1) PARCELS FOR NEW DEVELOPMENT THAT ARE IN EXISTING ZONING FOR SINGLE-FAMILY RESIDENTIAL DISTRICTS, OR NEW DEVELOPMENT WHEN REQUESTING THE INCLUSION OF MIDDLE HOUSING AS A PART OF AN ACTIVE APPLICATION FOR A ZONING AMENDMENT TO A SINGLE-FAMILY RESIDENTIAL DISTRICT, ARE ELIGIBLE FOR SUCH USE;
- (2) SITES ARE ALLOWED TO HAVE DUPLEXES, TRIPLEXES, FOURPLEXES, OR TOWNHOUSES AS A BY RIGHT USE, WHEN THE PROJECT DESIGNATES UP TO TWENTY PERCENT (20%) OF THE DEVELOPMENT'S TOTAL *NET SITE AREA*, INCLUDING ANY LOTS, COMMON AREA AND PRIVATE STREETS OR DRIVEWAYS DEDICATED FOR

SUCH USE. WHEN THE MIDDLE HOUSING DEVELOPMENT AREA SHARES A PRIVATE STREET OPPOSITE THE SINGLE-FAMILY DEVELOPMENT, THE HALF-STREET AREA ADJACENT TO MIDDLE HOUSING SHALL BE COUNTED AS A PART OF THE ALLOWED TWENTY PERCENT (20%) ALLOTMENT;

(3) THE MIDDLE HOUSING UNITS MUST BE BUILT ON LOTS THAT COMPLY WITH THE MINIMUM LOT DIMENSIONS OF THE UNDERLYING SINGLE-FAMILY RESIDENTIAL DISTRICT;

(4) THE CONSTRUCTION OF MIDDLE HOUSING UNITS WITHIN A LARGER NEW SINGLE-FAMILY DEVELOPMENT SHALL NOT BE BUILT IN PHASES. BUILDING PERMITS SHALL BE ISSUED AT THE TIME THE REMAINDER OF THE DEVELOPMENT HAS BEEN PERMITTED FOR CONSTRUCTION; AND

(5) THE DEVELOPMENT SITE SHALL NOT BE LOCATED WITHIN AN EXCLUSION AREA AS DESCRIBED IN SECTION 35-3507.

35-3507. – EXCLUSIONS.

THE FOLLOWING AREAS ARE NOT ELIGIBLE FOR CONSTRUCTION OF MIDDLE HOUSING:

(1) AREAS THAT ARE NOT INCORPORATED;

(2) AREAS THAT LACK SUFFICIENT URBAN SERVICES AS DETERMINED BY THE PUBLIC WORKS DEPARTMENT;

(3) AREAS THAT ARE NOT SERVED BY WATER OR 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 AREAS POTENTIAL FOR PLANNED URBAN DEVELOPMENT;

(6) AREAS COVERED UNDER ARIZ. REV. STAT. TITLE 48, CHAPTER 6, ARTICLE 4, "ALTERNATIVE FORM OF GOVERNMENT FOR DOMESTIC WATER AND WASTEWATER IMPROVEMENT DISTRICTS;

(7) ANY LAND WITHIN THE TERRITORY IN THE VICINITY OF A PUBLIC AIRPORT AS DEFINED IN ARIZ. REV. STAT. § 28-8486 OR TO THE EXTENT THAT THIS SECTION WOULD INTERFERE WITH THE PUBLIC AIRPORT'S ABILITY TO COMPLY WITH LAWS, REGULATIONS, OR 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 ARIZ. REV. STAT. § 28-8461.