ORDINANCE NO. 5989

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING ZONING ORDINANCE, MESA CITY CODE TITLE 11, CHAPTERS 5, 8, 31, 32, 86, AND 87 PERTAINING TO MIDDLE HOUSING. THE AMENDMENTS INCLUDE, BUT ARE NOT LIMITED TO: MODIFYING LAND USE TABLES AND FOOTNOTES TO PERMIT MIDDLE HOUSING IN CERTAIN CIRCUMSTANCES; ADDING ELIGIBILITY REQUIREMENTS AND DEVELOPMENT STANDARDS FOR MIDDLE HOUSING; ADDING PARKING REQUIREMENTS FOR MIDDLE HOUSING; MODIFYING THE DEFINITION OF "SINGLE RESIDENCE, ATTACHED"; ADDING DEFINITIONS FOR "DUPLEX", "FOURPLEX", "MIDDLE HOUSING", "STRUCTURE, ATTACHED", "STRUCTURE, DETACHED", "STRUCTURE, SEMI-DETACHED", "TOWNHOUSE", AND "TRIPLEX"; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS WHICH HAVE ALREADY BEGUN THEREUNDER.

WHEREAS, § 9-462.13(A) of the Arizona Revised Statutes (A.R.S.) requires the governing body of a city or town with a population of 75,000 or more to adopt regulations no later than January 1, 2026, which would allow duplexes, triplexes, fourplexes, and townhomes as a "permitted use" on: (i) lots zoned for single-family residential use within one mile of the municipality's central business district; and (ii) at least twenty percent of any new residential development of more than ten contiguous acres.

WHEREAS, A.R.S. § 9-462.13(H)(8) defines "permitted use" as "the ability for a development to be approved without requiring a public hearing, variance, conditional use permit, special permit, or special exception, other than a discretionary zoning action to determination that a site plan conforms with applicable zoning regulations."

WHEREAS, A.R.S. § 9-462.13(H)(7) defines "middle housing" as 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.

WHEREAS, A.R.S. § 9-462.13(B)(1) prohibits municipalities from discouraging the development of middle housing through requirements or actions that individually or cumulatively make impracticable the permitting, siting, or construction of middle housing.

WHEREAS, A.R.S. § 9-462.13(B)(2) prohibits municipalities from restricting middle housing to less than two floors.

WHEREAS, A.R.S. § 9-462.13(B)(3) prohibits municipalities from restricting middle housing to a floor area ratio of less than 50%.

WHEREAS, A.R.S. § 9-462.13(B)(4) prohibits municipalities from setting restrictions, permitting or review processes for middle housing that are more restrictive than those for single family dwellings within the same zone.

WHEREAS, A.R.S. § 9-462.13(B)(6) prohibits municipalities from requiring a middle housing structure to comply with a commercial building code or to contain a fire sprinkler.

WHEREAS, A.R.S. § 9-462.13(B)(7) prohibits municipalities from requiring more than one off-street parking space per unit of middle housing.

WHEREAS, A.R.S. § 9-462.13 includes and authorizes various exceptions and limitations that municipalities may implement with this Ordinance.

WHEREAS, A.R.S. § 9-462.13 does not change or otherwise impair the terms of any development agreement that exists on September 14, 2024.

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

WHEREAS, on October 22, 2025, the Planning and Zoning Board recommended that the City Council adopt the proposed amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Mesa City Code Title 11, Table 11-5-2: Residential Districts is hereby amended to add reference to Middle Housing uses and development standards as follows.

Table 11-5-2: Residential Districts				
Proposed Use	**RS**	**RSL**	**RM**	**Additional Use Regulations**
Residential Use Classifications				
Single Residence	P (13, 14)	P (13, 14)	P (12, 13, 14)	
Multiple Residence	—	—	P (13, 16)	
MIDDLE HOUSING	**P (13, 14)**	**P (13, 14)**	—	**SECTION 11-31-38, MIDDLE HOUSING**

…

Section 2: That Mesa City Code Title 11, Table 11-5-3.A.1: Development Standards – RS Residential Single Dwelling Districts is hereby amended to add reference to Middle Housing development standards as follows.

Table 11-5-3.A.1: Development Standards - RS Residential Single Dwelling Districts								
Standard	**RS-90 (R1-90)**	**RS-43 (R1-43)**	**RS-35 (R1-35)**	**RS-15 (R1-15)**	**RS-9 (R1-9)**	**RS-7 (R1-7)**	**RS-6 (R1-6)**	**Additional Standards**
…								
Building Form and Location								
…								
Maximum Building Coverage (% of lot)	25	25	35	40	45	45	50	**SECTION 11-31-38, MIDDLE HOUSING**
…								

Section 3: That Mesa City Code Title 11, Table 11-8-3: Downtown Districts is hereby amended to add reference to Middle Housing uses and development standards as follows.

Table 11-8-3: Downtown Districts							
Proposed Use	**DR-1**	**DR-2**	**DR-3**	**DB-1**	**DB-2**	**DC**	**Additional Use Regulations**
Residential Use Classifications							
Single Residence							
Detached	P	P	P	—	—	—	
Attached	—	P	P	P	CUP	—	
Multiple Residence	P (16)	P (16)	P (16)	P (16)	P/CUP (16)	P (1, 16)	Chapter 81, Adaptive Reuse Permit
MIDDLE HOUSING	**P**	**P**	**P**	—	—	—	**SECTION 11-31-38, MIDDLE HOUSING**
…							

Section 4: That Mesa City Code Title 11 is hereby amended to add Section 11-31-38 as follows:

11-31-38: - MIDDLE HOUSING

A. **Eligibility.** A Middle Housing project is permitted:

1. On a lot or parcel of land zoned for Single Residence use within one (1) mile of the downtown area; or

2. In a new Single Residence development greater than 10 contiguous acres provided that:

   a. Middle Housing occupies no more than 20% of the developments total net area; and

   b. Middle Housing occupies no more than 20% of the lots within the development.

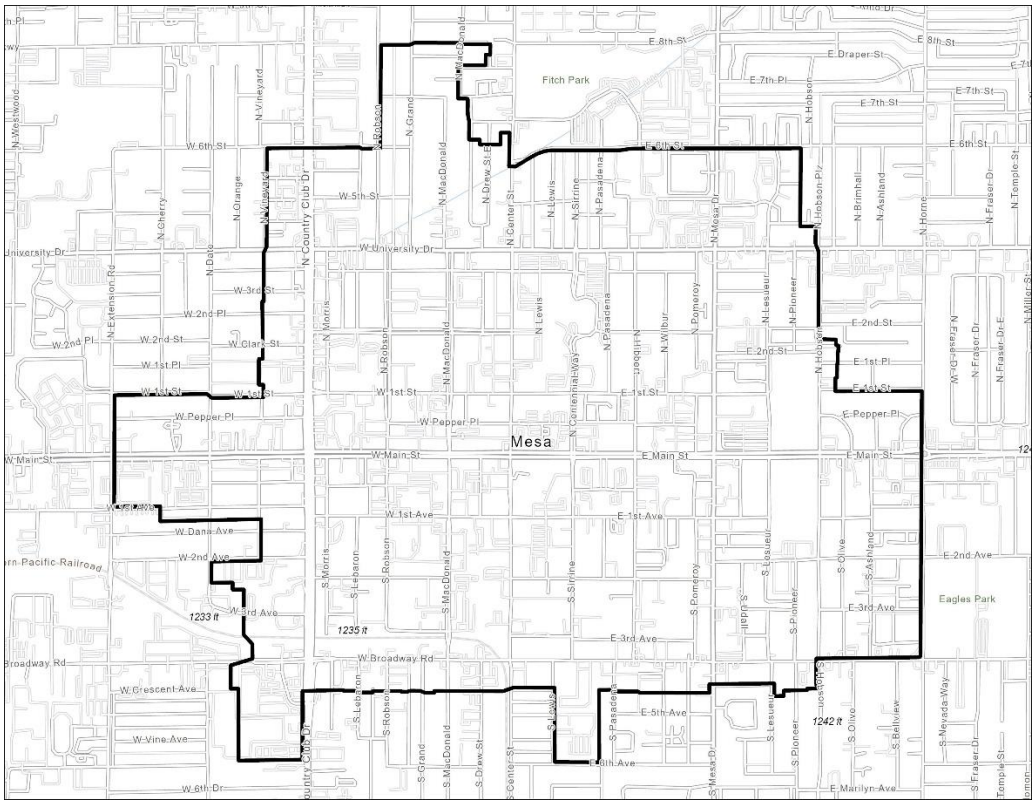

FIGURE 11-31-38.A.1: DOWNTOWN MESA

B. **Development Standards.** All proposed Middle Housing projects shall comply with the development standards of the underlying base zoning district, except:

1. Maximum building coverage may exceed the underlying base zoning district standard but shall not exceed 50% of the lot or parcel of land; and

2. Maximum lot coverage may exceed the maximum building coverage by 10% but shall not exceed 60% of the lot or parcel of land.

C. **Application.**

1. ***Projects Within One (1) Mile of the Downtown Area.*** An applicant seeking to develop a Middle Housing project within one (1) mile of the downtown area shall submit with their required building permit the following:

a. A Middle Housing application that confirms eligibility with Subsection (A)(1) above; and

b. A plot plan demonstrating full compliance with all applicable development standards.

2. ***New Single Residence Development*.** An applicant proposing Middle Housing within a new Single Residence development shall submit the following with a Zoning application—or, if no rezoning is required, with a Land Division application:

a. A Middle Housing application that confirms eligibility with Subsection (A)(2) above; and

b. A site plan demonstrating full compliance with all applicable development standards.

3. ***Projects Within Historic District or Historic Landmark Overlay Districts*.** An applicant seeking to develop a Middle Housing project within a Historic District (HD) or Historic Landmark (HL) Overlay District must:

a. Submit a Middle Housing application in accordance with either Subsection (C)(1) or (C)(2) above; and

b. Comply with all procedures and standards for HD and HL Overlay Districts set forth in Title 11, Chapter 74.

Section 5: That Mesa City Code Title 11, Table 11-32-3.A: Required Parking Spaces By Use is hereby amended as follows.

Table 11-32-3.A: Required Parking Spaces By Use		
Use	**Minimum Standard**	
Residential		
Single Residence, detached or attached, including Manufactured Home, Subdivisions	2 spaces per dwelling which may be in tandem with Zoning Administrator approval but no parking space is required for an Accessory Dwelling Unit	
Multiple Residence (Typical)	See sub categories, below	
Apartments, multiple residence condominiums, and mixed-use residential, townhomes, patio homes and similar multiple residence buildings: development site located within ¼ mile radius (1320-feet) of bus rapid transit or light rail station, regardless of bedroom count	9 or fewer total units	1.4 spaces per dwelling unit
	10-25 total units	1.3 spaces per dwelling unit
	26 or more total units	1.2 spaces per dwelling unit

Table 11-32-3.A: Required Parking Spaces By Use	
Use	**Minimum Standard**
Residential	
Apartments, multiple residence condominiums, mixed-use residential, townhomes, patio homes, and similar multiple residence buildings: development site not located within ¼ mile radius (1320-feet) of bus rapid transit or light rail station, regardless of bedroom count	2.1 spaces per dwelling unit
MIDDLE HOUSING	**1 SPACE PER DWELLING UNIT**
…	

Section 6: That Title 11, Section 11-86-2 is hereby amended to add a definition of "Middle Housing" and modify the definition of "Single Residence, Attached". All the other definitions in Chapter 86 shall remain the same.

…

MIDDLE HOUSING: DUPLEXES, TRIPLEXES, FOURPLEXES, AND TOWNHOUSES THAT ARE COMPATIBLE IN SCALE, FORM AND CHARACTER WITH SINGLE RESIDENCE DWELLING UNITS AND THAT CONTAIN TWO OR MORE ATTACHED, DETACHED, STACKED OR CLUSTERED HOMES.

…

Single Residence. A dwelling unit designed for occupancy by one family and located on a separate lot or parcel from any other unit (except accessory dwelling units, where permitted). This classification includes individual manufactured housing units and individual recreational vehicles when used as residences in RV parks and subdivisions. A Single Residence may also be referred to as a "Primary Residence" (see Chapter 87 of this Ordinance).

Detached. A single residence dwelling unit that is not attached to any other dwelling unit (except accessory living quarters, where permitted).

Attached. A single residence dwelling unit, located singly on a lot or parcel, but attached through common vertical walls to one or more dwellings on abutting lots or parcels. ~~An attached single residence dwelling unit is sometimes referred to as a "townhome" or a "rowhouse."~~

Accessory Dwelling (ADU). An attached or detached 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 and sanitation facilities and that may include its own kitchen.

Section 7: That Title 11, Chapter 87 is hereby amended to add the definitions of "Duplex," "Fourplex," "Structure, Attached," "Structure, Detached," "Structure, Semi-Attached,"

"Townhouse," and "Triplex" below which are arranged in alphabetical order and to add the heading of "Structure Related Definitions" to appear before the word "Structural Alteration." All the other definitions in Chapter 87 shall remain the same.

DUPLEX: TWO (2) DWELLING UNITS ON THE SAME LOT OR PARCEL THAT ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN TWO (2) FAMILIES LIVING INDEPENDENTLY FROM EACH OTHER, EACH WITH SEPARATE SLEEPING, COOKING, AND SANITARY FACILITIES. UNLESS OTHERWISE PROVIDED, A DUPLEX CONSISTS OF TWO (2) ATTACHED UNITS (SIDE-BY-SIDE OR STACKED). FOR THE PURPOSES OF MIDDLE HOUSING, THE DWELLING UNITS MAY BE ATTACHED, DETACHED, OR SEMI-DETACHED.

…

FOURPLEX: FOUR (4) DWELLING UNITS ON THE SAME LOT OR PARCEL THAT ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN FOUR (4) FAMILIES LIVING INDEPENDENTLY FROM EACH OTHER, EACH WITH SEPARATE SLEEPING, COOKING, AND SANITARY FACILITIES. UNLESS OTHERWISE PROVIDED, A FOURPLEX CONSISTS OF FOUR (4) ATTACHED UNITS (SIDE-BY-SIDE OR STACKED). FOR THE PURPOSES OF MIDDLE HOUSING, THE DWELLING UNITS MAY BE ATTACHED, DETACHED, OR SEMI-DETACHED.

…

STRUCTURE RELATED DEFINITIONS:

Structural Alteration: Any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, or roof rafters.

Structure: Anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

STRUCTURE, ATTACHED: A STRUCTURE THAT IS CONNECTED TO ANOTHER STRUCTURE AND DEPENDENT ON A DIVISION WALL(S) OR COMMON WALL(S) FOR STRUCTURAL SUPPORT OR ENCLOSURE. (SYN: DETACHED BUILDING)

STRUCTURE, DETACHED: A STRUCTURE WHICH IS PHYSICALLY SEPARATED FROM AND NOT DEPENDENT ON ANOTHER STRUCTURE FOR STRUCTURAL SUPPORT OR ENCLOSURE. (SYN: DETACHED BUILDING)

STRUCTURE, SEMI-DETACHED: A STRUCTURE THAT IS CONNECTED TO ANOTHER STRUCTURE BUT IS NOT DEPENDENT ON A DIVISION WALL(S) OR COMMON WALL(S) FOR STRUCTURAL SUPPORT OR ENCLOSURE.

…

TOWNHOUSE: TWO (2) OR MORE ATTACHED DWELLING UNITS CONSTRUCTED IN A ROW (SIDE-BY-SIDE), EACH WITH SEPARATE SLEEPING, COOKING, AND SANITARY FACILITIES, EACH SHARING AT LEAST ONE (1) COMMON WALL WITH

AN ADJACENT UNIT, AND EACH SERVED BY ITS OWN EXTERIOR ENTRANCE. NO DWELLING UNIT MAY BE STACKED (LOCATED ABOVE OR BELOW ANOTHER).

TRIPLEX: THREE (3) DWELLING UNITS ON THE SAME LOT OR PARCEL THAT ARE DESIGNED FOR RESIDENTIAL OCCUPANCY BY NOT MORE THAN THREE (3) FAMILIES LIVING INDEPENDENTLY FROM EACH OTHER, EACH WITH SEPARATE SLEEPING, COOKING, AND SANITARY FACILITIES. UNLESS OTHERWISE PROVIDED, A TRIPLEX CONSISTS OF THREE (3) ATTACHED UNITS (SIDE-BY-SIDE OR STACKED). FOR THE PURPOSES OF MIDDLE HOUSING, THE DWELLING UNITS MAY BE ATTACHED, DETACHED, OR SEMI-DETACHED.

…

Section 8: RECITALS. The recitals above are fully incorporated in this Ordinance by reference, and each recital represents a finding of fact and determination made by the City Council.

Section 9: AMENDED LANGUAGE. In the sections of this Ordinance that modify the current language of the Mesa City Code (i.e., Sections 1, 2, 3, 5, 6, and 7), new language is shown in **BOLD ALL CAPS** and deleted language is shown in ~~strikethrough~~.

Section 10: PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect suits pending, rights and duties that matured or were existing, or penalties that were incurred or proceedings that were initiated prior to the effective date of this Ordinance.

Section 11: EFFECTIVE DATE. The effective date of this Ordinance is thirty (30) days after the adoption of this Ordinance.

Section 12: SEVERABILITY. If any term, provision, section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid, unenforceable, or unconstitutional by the decision of a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

Section 13: PENALTY. Penalties for a violation are set forth in the Mesa Zoning Ordinance Sections 11-79-4 and 11-79-5 which are as follows:

11-79-4 CIVIL PENALTIES:

A. Any owner, occupant or responsible party who is found responsible for a civil violation of this Ordinance, whether by admission, default, or after a hearing, shall pay a civil sanction of not less than $150 or more than $1,500, per citation. A second finding of responsibility within 24 months of the commission of a prior violation of this Chapter shall result in a civil sanction of not less than $250 or more than $2,500. A third finding of responsibility within 36 months of the commission of a prior violation of this Chapter shall result in a

civil sanction of not less than $500 or more than $2,500. In addition to the civil sanction, the responsible party shall pay the applicable fees and charges set forth in the City's Development and Sustainability Department (Code Compliance) Schedule of Fees and Charges and may be ordered to pay any other applicable fees and charges.

B. The 36-month provision of subsection (A) of this Section shall be calculated by the dates the violations were committed. The owner, occupant, or responsible party shall receive the enhanced sanction upon a finding of responsibility for any violation of this Chapter that was committed within 36 months of the commission of another violation for which the owner or responsible party was convicted or was otherwise found responsible, irrespective of the order in which the violations occurred or whether the prior violation was civil or criminal.

C. Each day in which a violation of this Ordinance continues, or the failure to perform any act or duty required by this Ordinance or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

11-79-5 HABITUAL OFFENDER:

A. A person who commits a violation of this Ordinance after previously having been found responsible for committing 3 or more civil violations of this Ordinance within a 24-month period — whether by admission, by payment of the fine, by default, or by judgment after hearing — shall be guilty of a class 1 criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal class 1 complaint in the Mesa City Court against habitual offenders. For purposes of calculating the 24-month period under this paragraph, the dates of the commission of the offenses are the determining factor.

B. Upon conviction of a violation of this Subsection, the Court may impose a sentence or incarceration not to exceed 6 months in jail; or a fine not to exceed $2,500, exclusive of penalty assessments prescribed by law; or both. The Court shall order a person who has been convicted of a violation of this Section to pay a fine of not less than $500 for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by Subsection except on the condition that the person pay the mandatory minimum fines as provided in this Subsection.

C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

Passed and adopted by the City Council of the City of Mesa, Arizona, this 8th day of December, 2025.

APPROVED:

Mark Freeman, Mayor

ATTEST:

Holly Moseley, City Clerk