



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: COM DPA/SE 7-3-0-0

HB 2297: adaptive reuse; commercial buildings; zoning

S/E: same subject

Sponsor: Representative Biasiucci, LD 30

Caucus & COW

Summary of the Strike-Everything Amendment to HB 2297

Overview

Prescribes requirements relating to the *multifamily residential development* or *adaptive reuse* development of a commercial building or mixed-use site.

History

Pursuant to [A.R.S. § 9-462.01](#), the legislative body of any municipality by ordinance, to conserve and promote the public health, safety and general welfare, may:

- 1) regulate the use of buildings, structures and land between agriculture residence, industry and business;
- 2) regulate the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yards, courts and other open spaces, the percentage of a lot that may be occupied by a building or structure, access to incident solar energy and the intensity of land use;
- 3) establish requirements for off-street parking and loading;
- 4) establish and maintain building setback lines; and
- 5) establish floodplain and age-specific community zoning districts and districts of historical significance.

Provisions

1. Requires a municipality to allow multifamily residential development or adaptive reuse development of any commercial building or mixed-use site without an application for rezoning. (Sec. 1)
2. Specifies the multifamily residential development or adaptive reuse development must:
 - a) have access to public sewer and water service for the entire development; and
 - b) comply with all applicable building codes. (Sec. 1)
3. Stipulates the residential density must be the maximum residential density allowed under municipal zoning ordinances. (Sec. 1)
4. Asserts existing municipal setback requirements must be amended to support the maximum density allowed under existing municipal zoning ordinances and permits additional encroachments. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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5. Permits the multifamily residential development or adaptive reuse development to allow for the demolition of all or a portion of the existing building or buildings. (Sec. 1)
6. Stipulates the height of the existing commercial building or mixed-use structure may remain and be considered nonconforming if the height exceeds the maximum height of the zoning district. (Sec. 1)
7. Adds any rooftop construction must be included within the height exemption. (Sec. 1)
8. Requires the multifamily residential development or adaptive reuse development of any commercial building or mixed-use site to set aside at least 10% designated for either moderate-income housing or low-incoming housing or any combination of both. (Sec. 1)
9. Specifies the multifamily residential development or adaptive reuse development cannot be subject to the enforcement of any regulation that exceeds existing parking space requirements beyond what is required in the existing zoning code. (Sec. 1)
10. Asserts the multifamily residential development or adaptive reuse development requirements do not apply to any land:
 - a) in an area that is designated as a district of historical significance or as historic on the national register of historic places;
 - b) in the immediate vicinity of an airport or ancillary military facility; or
 - c) in a municipality that is located on tribal land. (Sec. 1)
11. Defines pertinent terms. (Sec. 1)

Amendments

Committee on Commerce

1. Adopted the strike-everything amendment.