



# 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**

**NOW: zoning; adaptive reuse; commercial buildings**

**Sponsor: Representative Biasiucci, LD 30**

**House Engrossed**

## Overview

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

## 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 certain municipalities, by January 1, 2025, to allow multifamily residential development or adaptive reuse development of any commercial, office or mixed use buildings without requiring a conditional use permit, planning unit development, rezoning application or other discretionary municipal review. (Sec. 1)
2. Subject a development to site plan review and approval and include approval of the site plan by any utility provider impacted by the proposed development. (Sec. 1)
3. Stipulates a building must have access to public sewer and water service and comply with all applicable building and fire codes to be eligible for redevelopment as a multifamily residential development or adaptive reuse. (Sec. 1)
4. Specifies the residential density must be the maximum residential density allowed under the zoning ordinance. (Sec. 1)
5. Exempts the multifamily residential development or adaptive reuse developments from being subject to the enforcement of any regulation that exceeds existing:

<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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- a) zoning ordinance setback requirements for multifamily residential development or adaptive reuse; and
  - b) parking space requirements beyond what is required in the existing zoning ordinance for multifamily residential development or adaptive reuse development. (Sec. 1)
6. Allows the existing setbacks to remain for adaptive reuse. (Sec. 1)
  7. Stipulates the property must be considered nonconforming unless existing easements are within exiting setback areas if the existing zoning ordinance setback requirement is less than what is allowed. (Sec. 1)
  8. Specifies the multifamily residential development may allow for the demolition of all or a portion of the existing building or buildings. (Sec. 1)
  9. Stipulates, for adaptive reuse, the height may remain and the maximum density may be exceeded and be considered nonconforming if the height of the existing commercial office or mixed use building exceeds the maximum height in the zoning ordinance. (Sec. 1)
  10. Adds that any rooftop construction must be included within the height exemption. (Sec. 1)
  11. Requires a minimum set aside of at least 10% designated for either moderate-income or low-income housing or any combination of both be provided for the developments of any commercial office or mixed use building. (Sec. 1)
  12. 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)
  13. Allows municipalities to designate commercial hubs and other essential commercial use areas where commercial, office and mixed use buildings are excluded from multifamily residential development or adaptive reuse redevelopment. (Sec. 1)
  14. Adds that the designations cannot exceed 10% of the existing commercial, office or mixed use buildings within each municipality. (Sec. 1)
  15. Requires multifamily residential developments or adaptive reuse developments to be allowed on at least 10% of the existing commercial, office or mixed use buildings within each municipality that meets all of the requirements as outlined. (Sec. 1)
  16. Defines pertinent terms. (Sec. 1)