



# ARIZONA HOUSE OF REPRESENTATIVES

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Final Pass: 43-15-2-0-0

**HB 2297: ~~adaptive reuse; commercial buildings; zoning~~**

**NOW: commercial buildings; adaptive reuse**

**Sponsor: Representative Biasiucci, LD 30**

**Transmitted to the Governor**

## Overview

Prescribes requirements relating to establishing objective standards to allow *multifamily residential development* or *adaptive reuse* on up to 10% of the total existing commercial, office or mixed use buildings.

## History

Statute authorizes municipalities to adopt zoning ordinances and codes to conserve and promote the public health, safety, convenience and general welfare. A municipality 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 (A.R.S. § [9-462.01](#)).

## Provisions

1. Requires certain municipalities, by January 1, 2025, to establish objective standards to allow multifamily residential development or adaptive reuse on up to 10% of the total existing commercial, office or mixed use buildings within the municipality without requiring a conditional use permit, planning unit development or rezoning application or any other application that would require a public hearing. (Sec. 1)
2. Allows the municipality to modify every 10 years the percentage of existing commercial, office or mixed use buildings available for multifamily residential development or adaptive reuse. (Sec. 1)
3. Allows a municipality to designate commercial or employment hubs and other essential commercial or employment use areas where existing commercial, office, employment or mixed use buildings are excluded from the multifamily residential development and adaptive reuse requirements. (Sec. 1)
4. Specifies that the designations cannot exceed 10% of the existing commercial, office, employment or mixed use buildings. (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. Allows a municipality to modify once every 10 years the commercial or employment hubs that are excluded from the multifamily residential development and adaptive reuse requirements. (Sec. 1)
6. Limits, for multifamily residential development or adaptive reuse, the objective standards established by a municipality to the following requirements:
  - a) a municipal site plan review and approval process requirement, including site plan review by any utility provider impacted by the proposed development;
  - b) adequate public sewer and water service for the entire proposed development;
  - c) compliance with all applicable building and fire codes;
  - d) that the existing buildings are economically or functionally obsolete;
  - e) that the existing buildings are located on a parcel or parcels that are at least 1 acre but not more than 20 acres in size; and
  - f) a set aside of 10% of the total dwelling units for either moderate-income housing or low-income housing or any combination of the two for at least 20 years after the initial occupation of the proposed development, or more than 10% at the developer's sole discretion. (Sec. 1)
7. Prohibits the objective standards from containing parking space requirements that exceed the parking requirements that apply to multifamily residential or adaptive reuse buildings under the existing zoning code unless the proposed multifamily residential development or adaptive reuse also qualifies as a mixed use development. (Sec. 1)
8. Prohibits a municipality from withholding a demolition permit if a multifamily residential development or an adaptive reuse project meets statutory requirements. (Sec. 1)
9. Outlines requirements and restrictions applicable for a multifamily residential development relating to demolition, setbacks, height and density. (Sec. 1)
10. Specifies that multifamily residential development that is constructed pursuant to the multifamily residential development or adaptive reuse requirements does not qualify as being within one mile of the building being redeveloped or the next closest multifamily building. (Sec. 1)
11. Outlines requirements and restrictions applicable for adaptive reuse relating to demolition, setbacks and height. (Sec. 1)
12. Exempts, from the multifamily residential development or adaptive reuse requirements:
  - a) land in an area that is designated as a district of historical significance;
  - b) land in an area that is designated historic by a local government;
  - c) land in an area that is designated as historic on the National Register of Historic Places;
  - d) land in the territory in the vicinity of a military airport or ancillary military facility;
  - e) land in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport; and
  - f) land in a municipality that is located on tribal land. (Sec. 1)
13. Defines pertinent terms. (Sec. 1)