

COMMITTEE ON COMMERCE
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2297
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 9, chapter 4, article 6.1, Arizona Revised
3 Statutes, is amended by adding section 9-462.10, to read:

4 9-462.10. Commercial buildings; adaptive reuse; prohibition on
5 rezoning; applicability; definitions

6 A. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY SHALL ALLOW
7 MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE DEVELOPMENT OF ANY
8 COMMERCIAL BUILDING OR MIXED USE SITE WITHOUT AN APPLICATION FOR REZONING.

9 B. THE MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE
10 DEVELOPMENT MUST HAVE ACCESS TO PUBLIC SEWER AND WATER SERVICE FOR THE
11 ENTIRE DEVELOPMENT AND SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES.

12 C. THE RESIDENTIAL DENSITY SHALL BE THE MAXIMUM RESIDENTIAL DENSITY
13 ALLOWED UNDER MUNICIPAL ZONING ORDINANCES.

14 D. EXISTING MUNICIPAL SETBACK REQUIREMENTS SHALL BE AMENDED TO
15 SUPPORT THE MAXIMUM DENSITY ALLOWED UNDER EXISTING MUNICIPAL ZONING
16 ORDINANCES. ADDITIONAL ENCROACHMENTS ARE ALLOWED.

17 E. THE MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE
18 DEVELOPMENT MAY ALLOW FOR THE DEMOLITION OF ALL OR A PORTION OF THE
19 EXISTING BUILDING OR BUILDINGS.

20 F. IF THE HEIGHT OF THE EXISTING COMMERCIAL BUILDING OR MIXED USE
21 STRUCTURE EXCEEDS THE MAXIMUM HEIGHT OF THE ZONING DISTRICT, THE HEIGHT MAY
22 REMAIN AND SHALL BE CONSIDERED NONCONFORMING. ANY ROOFTOP CONSTRUCTION
23 SHALL BE INCLUDED WITHIN THE HEIGHT EXEMPTION.

1 G. THE MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE
2 DEVELOPMENT OF ANY COMMERCIAL BUILDING OR MIXED USE SITE SHALL PROVIDE A
3 MINIMUM SET ASIDE OF AT LEAST TEN PERCENT DESIGNATED FOR EITHER
4 MODERATE-INCOME HOUSING OR LOW-INCOME HOUSING OR ANY COMBINATION OF BOTH
5 MODERATE-INCOME HOUSING AND LOW-INCOME HOUSING.

6 H. THE MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE
7 DEVELOPMENT MAY NOT BE SUBJECT TO ENFORCEMENT OF ANY REGULATION THAT
8 EXCEEDS EXISTING PARKING SPACE REQUIREMENTS BEYOND WHAT IS REQUIRED IN THE
9 EXISTING ZONING CODE FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE
10 REUSE DEVELOPMENT.

11 I. THIS SECTION DOES NOT APPLY TO ANY LAND IN AN AREA THAT IS
12 DESIGNATED AS A DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION
13 9-462.01 SUBSECTION A, PARAGRAPH 10, IN AN AREA THAT IS DESIGNATED AS
14 HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES, IN THE IMMEDIATE
15 VICINITY OF A MUNICIPAL, FEDERAL AVIATION ADMINISTRATION COMMERCIALY
16 LICENSED, GENERAL AVIATION OR MILITARY AIRPORT OR ANCILLARY MILITARY
17 FACILITY AS DEFINED IN SECTION 28-8461 OR IN A MUNICIPALITY THAT IS LOCATED
18 ON TRIBAL LAND.

19 J. FOR THE PURPOSES OF THIS SECTION:

20 1. "ADAPTIVE REUSE" MEANS CONVERTING AN EXISTING STRUCTURE FROM THE
21 USE FOR WHICH IT WAS CONSTRUCTED TO A NEW USE BY MAINTAINING SOME OR ALL OF
22 THE ELEMENTS OF THE STRUCTURE.

23 2. "BUILDING CODE" HAS THE SAME MEANING PRESCRIBED IN SECTION
24 9-1301.

25 3. "LOW-INCOME HOUSING" MEANS HOUSING FOR A PERSON OR PERSONS AT OR
26 BELOW EIGHTY PERCENT OF THE AREA MEDIAN INCOME AS DETERMINED BY THE ARIZONA
27 DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED ON THE UNITED
28 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

29 4. "MAXIMUM RESIDENTIAL DENSITY" MEANS A RESIDENTIAL DENSITY
30 DEVELOPMENT THAT IS EQUAL TO OR GREATER THAN THE MAXIMUM RESIDENTIAL
31 DENSITY ALLOWED UNDER THE LOCAL GENERAL PLAN AND MUNICIPAL ZONING
32 ORDINANCES.

1 5. "MODERATE-INCOME HOUSING" MEANS HOUSING FOR A PERSON OR PERSONS
2 AT OR BELOW ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME AS
3 DETERMINED BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD
4 SIZE BASED ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
5 DEVELOPMENT.

6 6. "MULTIFAMILY RESIDENTIAL DEVELOPMENT" MEANS A BUILDING OR
7 BUILDINGS THAT ARE DESIGNED AND USED FOR RESIDENTIAL PURPOSES AND THAT
8 CONTAIN MORE THAN ONE APARTMENT OR DWELLING UNIT.

9 7. "NONCONFORMING" MEANS STRUCTURES THAT HAVE RECEIVED BUILDING AND
10 ZONING PERMITS UNDER THE REGULATIONS IN PLACE AT THE TIME OF CONSTRUCTION.

11 8. "ROOFTOP CONSTRUCTION":

12 (a) MEANS ROOFTOP STRUCTURES THAT PRINCIPALLY HOUSE AIR CONDITIONING
13 EQUIPMENT, SOLAR PANELS AND OTHER ENERGY PRODUCTION FACILITIES.

14 (b) INCLUDES OPEN SPACE FEATURES, SWIMMING POOLS, SPACE FOR USE BY
15 RESIDENTS AND LANDSCAPING.

16 (c) DOES NOT INCLUDE DECORATIVE FEATURES, SPIRES, BELL TOWERS,
17 DOMES, CUPOLAS, PEDIMENTS, OBELISKS OR MONUMENTS."

18 Amend title to conform

And, as so amended, it do pass

JUSTIN WILMETH
CHAIRMAN

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