

REFERENCE TITLE: adaptive reuse; commercial buildings; zoning

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2297

Introduced by
Representatives Biasiucci: Bliss, Carbone, Gillette, Nguyen, Ortiz, Peña,
Quiñonez, Travers

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.10; RELATING TO PLANNING AND ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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
5 on rezoning; applicability; definitions

6 A. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY SHALL ALLOW
7 ADAPTIVE REUSE DEVELOPMENT OF ANY COMMERCIAL BUILDING INTO RESIDENTIAL OR
8 MIXED USE WITHOUT AN APPLICATION FOR REZONING IF THE DEVELOPMENT CONVERTS
9 AT LEAST FIFTY PERCENT OF THE EXISTING GROSS FLOOR AREA INTO RESIDENTIAL
10 OR MIXED USE.

11 B. THE RESIDENTIAL DENSITY IN THE ADAPTIVE REUSE DEVELOPMENT SHALL
12 BE THE MAXIMUM RESIDENTIAL DENSITY ALLOWED UNDER THE REZONING ORDINANCE.
13 THE ADAPTIVE REUSE DEVELOPMENT MUST HAVE ACCESS TO PUBLIC SEWER AND WATER
14 SERVICE OR HAVE ACCESS TO ADEQUATE PRIVATE WATER FOR THE ENTIRE
15 DEVELOPMENT.

16 C. EXISTING BUILDING SETBACK REQUIREMENTS SHALL REMAIN. ADDITIONAL
17 ENCROACHMENTS ARE NOT ALLOWED UNLESS EXISTING ZONING ORDINANCES ALLOW THE
18 ENCROACHMENT OR THE MUNICIPALITY GRANTS THE ENCROACHMENT.

19 D. IF THE HEIGHT OF THE EXISTING STRUCTURE EXCEEDS THE MAXIMUM
20 HEIGHT OF THE ZONING DISTRICT, THE HEIGHT MAY REMAIN AND SHALL BE
21 CONSIDERED NONCONFORMING. ANY ROOFTOP CONSTRUCTION SHALL BE INCLUDED
22 WITHIN THE HEIGHT EXEMPTION.

23 E. THE MUNICIPALITY SHALL ALLOW HIGH DENSITY DEVELOPMENT FOR
24 ADAPTIVE REUSE PROJECTS THAT MEET ALL OF THE FOLLOWING CRITERIA:

25 1. THE PROJECT IS AN EXPANSION OF THE EXISTING FOOTPRINT TO
26 ACCOMMODATE UPGRADES TO BUILDING AND FIRE CODES AND UTILITIES. THE
27 MUNICIPALITY MAY ALLOW ADDITIONAL STRUCTURES WITHIN THE EXISTING
28 FOOTPRINT.

29 2. THE DEVELOPMENT INCLUDES AT LEAST TWENTY PERCENT LOW-INCOME AND
30 MODERATE-INCOME HOUSING.

31 3. THE DEVELOPMENT HAS ACCESS TO PUBLIC SEWER AND WATER SERVICE OR
32 HAS ACCESS TO ADEQUATE PRIVATE WATER FOR THE ENTIRE DEVELOPMENT.

33 F. THE PROJECT MAY NOT BE SUBJECT TO ENFORCEMENT OF ANY LAND USE
34 REGULATION THAT ESTABLISHES A MINIMUM NUMBER OF PARKING SPACES THAT IS
35 GREATER THAN THE LESSER OF THE FOLLOWING:

36 1. THE AMOUNT REQUIRED FOR THE EXISTING COMMERCIAL USE DEVELOPMENT.

37 2. THE AMOUNT REQUIRED IN LAND ZONED FOR RESIDENTIAL USE THAT IS
38 SUBJECT TO THE ADAPTIVE REUSE PROJECT.

39 G. THIS SECTION DOES NOT APPLY TO ANY LAND IN AN AREA THAT IS
40 DESIGNATED AS A DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION
41 9-462.01 SUBSECTION A, PARAGRAPH 10, IN AN AREA THAT IS DESIGNATED AS
42 HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES, IN THE IMMEDIATE
43 VICINITY OF A MUNICIPAL, FEDERAL AVIATION ADMINISTRATION COMMERCIALY
44 LICENSED, GENERAL AVIATION OR MILITARY AIRPORT OR ANCILLARY MILITARY

1 FACILITY AS DEFINED IN SECTION 28-8461 OR IN A MUNICIPALITY THAT IS
2 LOCATED ON TRIBAL LAND.
3 H. FOR THE PURPOSES OF THIS SECTION:
4 1. "ADAPTIVE REUSE" MEANS CONVERTING AN EXISTING STRUCTURE FROM THE
5 USE FOR WHICH IT WAS CONSTRUCTED TO A NEW USE BY MAINTAINING ELEMENTS OF
6 THE STRUCTURE AND ADAPTING THE ELEMENTS TO NEW USE.
7 2. "HIGH DENSITY" MEANS RESIDENTIAL DENSITY DEVELOPMENT THAT IS
8 EQUAL TO OR GREATER THAN THE MAXIMUM RESIDENTIAL DENSITY ALLOWED UNDER THE
9 LOCAL GENERAL PLAN AND ZONING ORDINANCE.
10 3. "NONCONFORMING" MEANS STRUCTURES THAT HAVE RECEIVED BUILDING AND
11 ZONING PERMITS UNDER THE REGULATIONS IN PLACE AT THE TIME OF CONSTRUCTION.