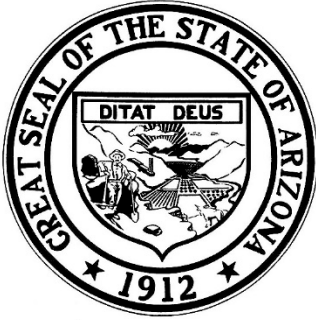


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2297**

Biasiucci Floor Amendment

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1. Clarifies the governing body of a municipality with a population of 100,000 or more person, by January 1, 2025, must 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.
 2. Subject a development to site plan review and approval.
 3. Specifies the site plan review and approval must include approval by any utility provider impacted by the proposed development.
 4. Clarifies a building, rather than a development, must have access to public sewer and water service and comply with building *and fire* codes, to be eligible for redevelopment as a multifamily residential development or adaptive reuse.
 5. Removes language relating to existing municipal setback requirements.
 6. Restates that the developments cannot be subject to the enforcement of any regulation that exceeds existing zoning ordinance setback requirements for multifamily residential development or adaptive reuse.
 7. Adds the existing setbacks may remain for adaptive reuse.
 8. Stipulates the property must be considered nonconforming unless existing easements are within existing setback areas if the existing zoning ordinance setback requirement is less than what is allowed for multifamily residential development or adaptive reuse.
 9. Specifies the allowance for the demolition of the existing building or buildings excludes adaptive reuse developments.
 10. Clarifies the for adaptive reuse, if the height of the existing commercial *office* or mixed use *building* exceeds the maximum height *in the zoning ordinance* the height may remain *and the maximum density may be exceeded*.

Amendment explanation prepared by Paul Benny

Phone Number 3848

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2/28/2024

11. Authorizes a municipality 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.
12. Limits the designations to 10% of the existing commercial, office or mixed use buildings within each municipality.
13. Requires the developments to be allowed on at least 10% of the existing commercial, office or mixed use buildings within each municipality that meet all of the requirements as outlined.
14. Redefines *low-income housing* and *moderate-incoming housing*.
15. Makes clarifying changes.

BIASIUCCI FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2297
(Reference to COMMERCE Committee amendment)

1 Page 1, line 5, after "rezoning" insert "or municipal review"

2 Line 6, strike "NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY" insert "ON OR
3 BEFORE JANUARY 1, 2025, THE GOVERNING BODY OF A MUNICIPALITY WITH A
4 POPULATION OF ONE HUNDRED THOUSAND OR MORE PERSONS"

5 Line 8, after "COMMERCIAL" strike remainder of line insert ", OFFICE OR MIXED
6 USE BUILDINGS WITHOUT REQUIRING A CONDITIONAL USE PERMIT, PLANNING UNIT
7 DEVELOPMENT, REZONING APPLICATION OR OTHER DISCRETIONARY MUNICIPAL REVIEW."

8 Between lines 8 and 9, insert:

9 "B. A DEVELOPMENT THAT IS DEVELOPED PURSUANT TO THIS SECTION IS
10 SUBJECT TO SITE PLAN REVIEW AND APPROVAL. THE SITE PLAN REVIEW AND
11 APPROVAL SHALL INCLUDE APPROVAL OF THE SITE PLAN BY ANY UTILITY PROVIDER
12 IMPACTED BY THE PROPOSED DEVELOPMENT."

13 Reletter to conform

14 Line 9, strike "THE" insert "TO BE ELIGIBLE FOR REDEVELOPMENT AS A"

15 Line 10, strike "DEVELOPMENT" insert ", A BUILDING"

16 Line 11, after "ENTIRE" insert "PROPOSED"; after "BUILDING" insert "AND FIRE"

17 Line 13, strike "MUNICIPAL ZONING ORDINANCES" insert "THE ZONING ORDINANCE"

18 Strike lines 14 through 16, insert:

19 "E. THE MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE
20 DEVELOPMENT MAY NOT BE SUBJECT TO THE ENFORCEMENT OF ANY REGULATION THAT
21 EXCEEDS EXISTING ZONING ORDINANCE SETBACK REQUIREMENTS FOR MULTIFAMILY
22 RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE. FOR ADAPTIVE REUSE, THE
23 EXISTING SETBACKS MAY REMAIN. IF THE EXISTING ZONING ORDINANCE SETBACK

1 REQUIREMENT IS LESS THAN WHAT IS ALLOWED FOR MULTIFAMILY RESIDENTIAL
2 DEVELOPMENT OR ADAPTIVE REUSE, THE PROPERTY SHALL BE CONSIDERED
3 NONCONFORMING UNLESS EXISTING EASEMENTS, INCLUDING PUBLIC UTILITY
4 EASEMENTS, ARE WITHIN EXISTING SETBACK AREAS."

5 Page 1, line 17, strike "OR ADAPTIVE REUSE"

6 Line 18, strike "DEVELOPMENT"

7 Line 20, after "F." insert "FOR ADAPTIVE REUSE,"; strike "BUILDING" insert
8 "OFFICE"

9 Line 21, strike "STRUCTURE" insert "BUILDING"; strike "OF THE ZONING DISTRICT"
10 insert "IN THE ZONING ORDINANCE"

11 Line 22, after "REMAIN" insert "AND THE MAXIMUM DENSITY MAY BE EXCEEDED"

12 Page 2, line 2, strike "BUILDING" insert "OFFICE"; strike "SITE" insert
13 "BUILDING"

14 Line 9, strike "CODE" insert "ORDINANCE"

15 Between lines 18 and 19, insert:

16 "K. A MUNICIPALITY MAY DESIGNATE COMMERCIAL HUBS AND OTHER ESSENTIAL
17 COMMERCIAL USE AREAS WHERE COMMERCIAL, OFFICE AND MIXED USE BUILDINGS ARE
18 EXCLUDED FROM MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE
19 REDEVELOPMENT. THE DESIGNATIONS MAY NOT EXCEED TEN PERCENT OF THE EXISTING
20 COMMERCIAL, OFFICE OR MIXED USE BUILDINGS WITHIN EACH MUNICIPALITY.

21 L. MULTIFAMILY RESIDENTIAL DEVELOPMENTS OR ADAPTIVE REUSE
22 DEVELOPMENTS SHALL BE ALLOWED ON AT LEAST TEN PERCENT OF THE EXISTING
23 COMMERCIAL, OFFICE OR MIXED USE BUILDINGS WITHIN EACH MUNICIPALITY THAT
24 MEET ALL OF THE FOLLOWING REQUIREMENTS:

25 1. THE COMMERCIAL, OFFICE OR MIXED USE BUILDINGS ARE ECONOMICALLY OR
26 FUNCTIONALLY OBSOLETE OR IN A STATE OF DISREPAIR OR HAVE AT LEAST A FIFTY
27 PERCENT VACANCY OF THE TOTAL LEASABLE SQUARE FOOTAGE, OR THE HIGHEST AND
28 BEST USE OF THE BUILDINGS IS IN CONVERSION TO A MULTIFAMILY RESIDENTIAL
29 DEVELOPMENT OR ADAPTIVE REUSE AT THE TIME OF SITE PLAN APPLICATION.

30 2. THE COMMERCIAL, OFFICE OR MIXED USE BUILDINGS ARE ON A PARCEL OR
31 PARCELS THAT ARE AT LEAST ONE ACRE BUT NOT MORE THAN THIRTY ACRES.

1 3. THE PROPERTY VALUE A YEAR AFTER A CERTIFICATE OF OCCUPANCY WILL
2 BE ISSUED IS ESTIMATED TO BE AT LEAST FIFTEEN PERCENT HIGHER THAN THE
3 PROPERTY VALUE AT THE TIME OF SITE PLAN APPLICATION."

4 Reletter to conform

5 Page 2, strike lines 25 through 28, insert:

6 "3. "LOW-INCOME HOUSING" MEANS HOUSING:

7 (a) FOR A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED
8 EIGHTY PERCENT OF THE AREA MEDIAN INCOME.

9 (b) FOR WHICH THE OCCUPANT PAYS NOT MORE THAN THIRTY PERCENT OF THE
10 OCCUPANT'S GROSS INCOME FOR THE OCCUPANT'S RENT OR MORTGAGE, AS DETERMINED
11 BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED
12 ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT."

13 Line 30, strike "OR GREATER THAN"

14 Line 31, strike "AND" insert "OR"

15 Page 3, strike lines 1 through 5, insert:

16 "5. "MODERATE-INCOME HOUSING" MEANS HOUSING:

17 (a) FOR A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED
18 ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME.

19 (b) FOR WHICH THE OCCUPANT PAYS NOT MORE THAN THIRTY PERCENT OF THE
20 OCCUPANT'S GROSS INCOME FOR THE OCCUPANT'S RENT OR MORTGAGE, AS DETERMINED
21 BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED
22 ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT."

23 Line 8, after "UNIT" insert "FOR SALE OR FOR RENT"

24 Amend title to conform

LEO BIASIUCCI

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