

House Engrossed Senate Bill

municipalities; housing; commercial redevelopment; zoning

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1506

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.10; RELATING TO MUNICIPAL 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. Municipal housing; applicability; zoning;
5 restrictions; definitions

6 A. A MUNICIPALITY WITH A POPULATION OF MORE THAN ONE HUNDRED FIFTY
7 THOUSAND PERSONS THAT IS DESIGNATED, IN WHOLE OR IN PART, AS AN URBAN AREA
8 BY THE UNITED STATES CENSUS BUREAU SHALL ADOPT REGULATIONS THAT ALLOW AS A
9 PERMITTED USE RESIDENTIAL OR MIXED USE ON AT LEAST SEVENTY-FIVE PERCENT OF
10 LAND LOCATED IN THE MUNICIPALITY THAT IS ZONED FOR COMMERCIAL, OFFICE,
11 RETAIL OR PARKING USE.

12 B. A MUNICIPALITY MAY IMPOSE THE FOLLOWING RESTRICTIONS ON A NEW
13 STRUCTURE BEING DEVELOPED INTO A RESIDENTIAL USE OR MIXED USE PROJECT:

- 14 1. A MAXIMUM HEIGHT EQUAL TO OR GREATER THAN TWO STORIES.
- 15 2. A MAXIMUM LENGTH OF NINETY FEET.
- 16 3. A MAXIMUM WIDTH OF FORTY FEET OR MORE.
- 17 4. A MINIMUM BUILDING SEPARATION OF UP TO TEN FEET.
- 18 5. FOR ANY PORTION OF A STRUCTURE THAT ADJOINS A SINGLE-FAMILY LOT,
19 SETBACKS OF UP TO FIVE FEET FOR THE FIRST FLOOR AND UP TO TEN FEET FOR ANY
20 FLOOR ABOVE THE FIRST FLOOR.

21 C. A MUNICIPALITY MAY IMPOSE THE FOLLOWING RESTRICTIONS ON A
22 STRUCTURE BEING CONVERTED TO RESIDENTIAL USE OR MIXED USE THROUGH AN
23 ADAPTIVE REUSE PROJECT:

- 24 1. A MAXIMUM HEIGHT, LENGTH OR WIDTH BEYOND THAT OF THE ORIGINAL
25 BUILDING OR THE MAXIMUM FOR A NEW BUILDING, WHICHEVER IS GREATER.
- 26 2. FOR ANY NEWLY ADDED PORTION OF A BUILDING THAT ADJOINS A
27 SINGLE-FAMILY LOT, SETBACKS UP TO FIVE FEET FOR THE FIRST FLOOR AND UP TO
28 TEN FEET FOR ANY FLOOR ABOVE THE FIRST FLOOR.

29 D. FOR A COMMERCIAL REDEVELOPMENT AREA, A MUNICIPALITY MAY IMPOSE
30 THE FOLLOWING RESTRICTIONS:

31 1. A MAXIMUM LOT SIZE AS LONG AS ANY BUILDING THAT WOULD OTHERWISE
32 BE ALLOWED BY THIS SECTION MAY BE ACCOMMODATED IN ANY LOCATION WHERE IT
33 WOULD OTHERWISE BE ALLOWED.

34 2. FOR A SITE GREATER THAN ONE-HALF ACRE, A MUNICIPALITY MAY
35 REQUIRE UP TO ONE PARKING SPACE PER DWELLING WITH THE FOLLOWING
36 PROVISIONS:

37 (a) THE PROPERTY OWNER MAY DETERMINE THE LOCATION AND FORM OF
38 OFF-STREET PARKING SPACES.

39 (b) REQUIRED PARKING MAY BE LOCATED ON A DIFFERENT LOT OR PARCEL
40 THAN THE BUILDING IT SERVES.

41 (c) ALL ON-STREET PARKING SPACES WITHIN THE COMMERCIAL
42 REDEVELOPMENT AREA MAY BE COUNTED TOWARD REQUIRED PARKING.

43 3. REQUIREMENTS RELATED TO THE LOCATION OF AND ACCESS TO THE
44 FOLLOWING:

- 45 (a) PUBLIC RIGHTS-OF-WAYS.

1 (b) PUBLIC SIDEWALKS.

2 (c) PUBLIC PARKS.

3 E. FOR A COMMERCIAL REDEVELOPMENT AREA, A MUNICIPALITY MAY NOT
4 ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, STIPULATION OR
5 OTHER REQUIREMENTS THAT DIRECTLY OR INDIRECTLY REQUIRE ANY OF THE
6 FOLLOWING:

7 1. ZONING RESTRICTIONS RELATED TO DENSITY BEYOND THOSE ALLOWED BY
8 THIS SECTION.

9 2. SCREENING, WALLS OR FENCES.

10 3. A SHARED FEATURE OR AMENITY THAT WOULD REQUIRE A HOMEOWNERS'
11 ASSOCIATION, A CONDOMINIUM ASSOCIATION OR ANY OTHER ASSOCIATION TO
12 MAINTAIN THE SHARED FEATURE OR AMENITY, UNLESS NECESSARY FOR STORMWATER
13 MANAGEMENT. PROPERTY OWNERS MAY VOLUNTARILY ESTABLISH OR PARTICIPATE IN
14 AN ASSOCIATION.

15 F. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
16 CODES OR PUBLIC HEALTH AND SAFETY REGULATIONS.

17 G. THIS SECTION DOES NOT APPLY TO LAND IN THE TERRITORY IN THE
18 VICINITY OF A MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED
19 IN SECTION 28-8461 OR LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL
20 AVIATION ADMINISTRATION COMMERCIALY LICENSED AIRPORT OR A GENERAL
21 AVIATION OR PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.

22 H. IF A MUNICIPALITY FAILS TO ADOPT DEVELOPMENT REGULATIONS AS
23 REQUIRED BY THIS SECTION ON OR BEFORE JANUARY 1, 2025, RESIDENTIAL HOUSING
24 SHALL BE ALLOWED ON ALL LAND ZONED FOR OFFICE, RETAIL, PARKING OR OTHER
25 COMMERCIAL USE WITHOUT LIMITATIONS FROM AND AFTER JANUARY 1, 2025.

26 I. FOR THE PURPOSES OF THIS SECTION:

27 1. "ADAPTIVE REUSE" MEANS A DEVELOPMENT THAT RETAINS AT LEAST TWO
28 EXTERIOR WALLS OF AN EXISTING BUILDING.

29 2. "COMMERCIAL REDEVELOPMENT AREA" MEANS BOTH OF THE FOLLOWING:

30 (a) ALL PARCELS OR LOTS THAT ARE REDEVELOPED AS RESIDENTIAL USE OR
31 MIXED USE AND THAT ARE TOUCHING EACH OTHER OR SEPARATED ONLY BY A
32 RIGHT-OF-WAY.

33 (b) ANY PORTION OF A RIGHT-OF-WAY THAT ADJOINS A REDEVELOPED PARCEL
34 OR LOT EXCEPT IF ONLY ONE SIDE OF A STREET IS ADJOINING, THE COMMERCIAL
35 REDEVELOPMENT AREA EXTENDS ONLY TO THE MIDPOINT OF THE STREET'S WIDTH.

36 3. "PERMITTED USE" MEANS THE ABILITY FOR A DEVELOPMENT TO BE
37 APPROVED WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE
38 PERMIT, SPECIAL PERMIT OR A SPECIAL EXCEPTION, OTHER THAN A DISCRETIONARY
39 ZONING ACTION TO DETERMINATION THAT A SITE PLAN CONFORMS WITH APPLICABLE
40 ZONING REGULATIONS.

41 4. "ZONING RESTRICTION RELATED TO DENSITY":

42 (a) MEANS ANY ZONING REQUIREMENT THAT RESTRICTS THE NUMBER, SIZE OR
43 LOCATION OF BUILDINGS, LOTS OR DWELLING UNITS, INCLUDING:

44 (i) SETBACKS.

45 (ii) FLOOR AREA RATIO.

- 1 (iii) LOT COVERAGE.
- 2 (iv) YARD SIZE.
- 3 (v) DIMENSIONS.
- 4 (vi) DWELLING UNIT DENSITY.
- 5 (b) DOES NOT INCLUDE A STANDARD UTILITY EASEMENT.