

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1543

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 9, chapter 4, article 6, Arizona Revised
3 Statutes, is amended by adding section 9-461.19, to read:

4 9-461.19. Municipal allowed ancillary use; multifamily
5 residential housing; hotel use; regulations;
6 applicability; definitions

7 A. NOTWITHSTANDING ANY OTHER LAW, A MUNICIPALITY WITH A
8 POPULATION OF TWO HUNDRED THOUSAND OR MORE PERSONS BUT NOT MORE THAN
9 FIVE HUNDRED THOUSAND PERSONS SHALL ALLOW HOTEL USE AND MULTIFAMILY
10 RESIDENTIAL HOUSING AS AN ALLOWED ANCILLARY USE IN A ZONING DISTRICT
11 THAT ALLOWS LIGHT INDUSTRIAL USE WITHOUT REQUIRING ANY TYPE OF
12 APPLICATION THAT WILL REQUIRE A PUBLIC HEARING IF THE ANCILLARY USE
13 MEETS BOTH OF THE FOLLOWING CRITERIA:

14 1. THE ANCILLARY USE IS LOCATED WITHIN AN INTERNATIONAL
15 HEADQUARTERS CAMPUS THAT IS SOLELY OWNED BY EITHER A SINGLE ENTITY OR
16 RELATED ENTITIES AT THE TIME THAT DEVELOPMENT OF THE INTERNATIONAL
17 HEADQUARTERS CAMPUS COMMENCES AND, ON COMPLETION, THE INTERNATIONAL
18 HEADQUARTERS ON THE INTERNATIONAL HEADQUARTERS CAMPUS WILL EMPLOY MORE
19 THAN TWO THOUSAND FULL-TIME EMPLOYEES AT AN AVERAGE ANNUAL COMPENSATION
20 OF MORE THAN ONE HUNDRED TWENTY-FIVE PERCENT OF THE MEDIAN WAGE OF THE
21 COUNTY WHERE THE INTERNATIONAL HEADQUARTERS CAMPUS IS LOCATED.

22 2. THE INTERNATIONAL HEADQUARTERS CAMPUS THAT CONTAINS THE
23 ANCILLARY USE IS BOUND BY A RECORDED INSTRUMENT THAT IS ENFORCEABLE BY
24 THE MUNICIPALITY AND THAT DOES BOTH OF THE FOLLOWING:

25 (a) RESTRICTS OCCUPANCY IN AT LEAST TWENTY PERCENT OF THE
26 MULTIFAMILY RESIDENTIAL HOUSING UNITS LOCATED ON THE INTERNATIONAL
27 HEADQUARTERS CAMPUS TO INDIVIDUALS EMPLOYED AT THE INTERNATIONAL
28 HEADQUARTERS AND THE FAMILIES OF INDIVIDUALS EMPLOYED AT THE
29 INTERNATIONAL HEADQUARTERS. THE RECORDED INSTRUMENT MUST ALSO PROVIDE
30 THAT THE MUNICIPALITY WHERE THE INTERNATIONAL HEADQUARTERS CAMPUS IS
31 LOCATED, IN THE MUNICIPALITY'S SOLE AND ABSOLUTE DISCRETION, MAY WAIVE
32 THE OCCUPANCY REQUIREMENT.

33 (b) PROHIBITS AN AGREEMENT FOR OCCUPANCY OF ANY MULTIFAMILY
34 RESIDENTIAL HOUSING UNIT WITHIN THE INTERNATIONAL HEADQUARTERS CAMPUS
35 FOR A PERIOD OF LESS THAN NINETY CONSECUTIVE DAYS AND LIMITS OCCUPANCY

1 TO THE SAME OCCUPANTS FOR THE ENTIRETY OF THE NINETY CONSECUTIVE DAYS
2 UNLESS A TENANT OF THE MULTIFAMILY RESIDENTIAL HOUSING UNIT IS AN
3 EMPLOYEE OR CONTRACTOR OF AN ENTITY LOCATED WITHIN THE INTERNATIONAL
4 HEADQUARTERS CAMPUS AND THAT EMPLOYEE OR CONTRACTOR PERFORMS JOB DUTIES
5 AT THE INTERNATIONAL HEADQUARTERS. THIS SUBDIVISION DOES NOT APPLY TO
6 MULTIFAMILY HOUSING DEVELOPMENTS THAT ARE PLATTED FOR INDIVIDUAL
7 OWNERSHIP OF UNITS.

8 B. AN ANCILLARY USE IS SUBJECT TO COMPLIANCE WITH GENERALLY
9 APPLICABLE MUNICIPAL BUILDING CODES AND FIRE CODES AND THE OBJECTIVE
10 DEVELOPMENT STANDARDS PURSUANT TO SUBSECTION E OF THIS SECTION.

11 C. THE GOVERNING BODY OF THE MUNICIPALITY MAY NOT WITHHOLD A
12 BUILDING PERMIT OR A CERTIFICATE OF OCCUPANCY FOR AN ANCILLARY USE THAT
13 COMPLIES WITH ONE OF THE FOLLOWING:

14 1. FOR INTERNATIONAL HEADQUARTERS CAMPUSES THAT INCLUDE
15 MULTIFAMILY RESIDENTIAL HOUSING UNITS AS AN ANCILLARY USE PURSUANT TO
16 THIS SECTION, A MUNICIPALITY SHALL ALLOW A NUMBER OF MULTIFAMILY
17 RESIDENTIAL UNITS WITHIN THE INTERNATIONAL HEADQUARTERS CAMPUS THAT ARE
18 EQUAL TO OR MORE THAN THE NUMBER OF GROSS ACRES IN THE INTERNATIONAL
19 HEADQUARTERS CAMPUS MULTIPLIED BY TWENTY-EIGHT.

20 2. FOR CAMPUSES THAT INCLUDE HOTEL USE AS AN ANCILLARY USE
21 PURSUANT TO THIS SECTION, A MUNICIPALITY SHALL ALLOW A NUMBER OF HOTEL
22 ROOMS WITHIN THE INTERNATIONAL HEADQUARTERS CAMPUS EQUAL TO OR MORE THAN
23 THE NUMBER OF GROSS ACRES IN THE INTERNATIONAL HEADQUARTERS CAMPUS
24 MULTIPLIED BY SEVEN. NOT MORE THAN TEN PERCENT OF THE HOTEL ROOMS
25 WITHIN THE INTERNATIONAL HEADQUARTERS CAMPUS SHALL BE ALLOWED AS
26 FOR-SALE RESIDENTIAL UNITS WITHIN THE HOTEL. THE MUNICIPALITY IS NOT
27 REQUIRED TO ALLOW AN AGGREGATE NUMBER OF HOTEL ROOMS AND MULTIFAMILY
28 RESIDENTIAL HOUSING UNITS AS AN ANCILLARY USE WITHIN THE INTERNATIONAL
29 HEADQUARTERS CAMPUS OF MORE THAN THE NUMBER OF GROSS ACRES IN THE
30 INTERNATIONAL HEADQUARTERS CAMPUS MULTIPLIED BY THIRTY-FIVE.

31 D. FOR CAMPUSES THAT INCLUDE HOTEL USE OR MULTIFAMILY RESIDENTIAL
32 HOUSING UNITS AS AN ANCILLARY USE PURSUANT TO THIS SECTION, A
33 MUNICIPALITY SHALL ALLOW COMPLEMENTARY RETAIL AND RESTAURANT USE WITHIN
34 THE INTERNATIONAL HEADQUARTERS CAMPUS.

35 E. THE FOLLOWING OBJECTIVE STANDARDS APPLY TO AN ANCILLARY USE
36 BUILDING DEVELOPED PURSUANT TO THIS SECTION:

37 1. A MUNICIPALITY MAY LIMIT THE HEIGHT OF THE ANCILLARY USE
38 BUILDING TO TWO STORIES IN A INTERNATIONAL HEADQUARTERS CAMPUS SITE THAT
39 IS LOCATED DIRECTLY ADJACENT TO AND WITHIN ONE HUNDRED FEET OF AN AREA
40 THAT IS ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.

1 2. EXCEPT PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION, A
2 MUNICIPALITY MAY NOT RESTRICT THE MAXIMUM HEIGHT OF THE ANCILLARY USE
3 BUILDING TO LESS THAN SIX STORIES, NOT INCLUDING MECHANICAL SCREENING OR
4 ROOFTOP APPURTENANCES.

5 3. ANY UTILITY PROVIDER THAT MAY PROVIDE UTILITY SERVICE TO THE
6 ANCILLARY USE DEVELOPMENT MAY REVIEW CONSTRUCTION DOCUMENTS TO ENSURE
7 ADEQUATE WATER AND SEWER CAPACITY IMPACTED BY THE PROPOSED ANCILLARY USE
8 DEVELOPMENT.

9 4. EXISTING MUNICIPAL ZONING ORDINANCES FOR SETBACK AND PARKING
10 REQUIREMENTS FOR THE PROPOSED ANCILLARY USE DEVELOPMENT APPLY.

11 F. A BUILDING PERMIT FOR AN ANCILLARY USE BUILDING DEVELOPED
12 PURSUANT TO THIS SECTION MAY NOT BE OBTAINED UNTIL THE MUNICIPALITY
13 ISSUES A BUILDING PERMIT FOR CONSTRUCTION OF THE INTERNATIONAL
14 HEADQUARTERS BUILDING. A CERTIFICATE OF OCCUPANCY MAY NOT BE GRANTED
15 FOR AN ANCILLARY USE BUILDING DEVELOPED PURSUANT TO THIS SECTION BEFORE
16 THE MUNICIPALITY GRANTS A CERTIFICATE OF OCCUPANCY FOR THE INTERNATIONAL
17 HEADQUARTERS BUILDING.

18 G. NOTWITHSTANDING SUBSECTION F OF THIS SECTION, IF SUBSTANTIAL
19 CONSTRUCTION OF THE INTERNATIONAL HEADQUARTERS BUILDING HAS COMMENCED, A
20 CERTIFICATE OF OCCUPANCY MAY BE GRANTED FOR AN ANCILLARY USE BUILDING
21 DEVELOPED PURSUANT TO THIS SECTION BEFORE THE MUNICIPALITY GRANTS A
22 CERTIFICATE OF OCCUPANCY FOR THE INTERNATIONAL HEADQUARTERS BUILDING IF
23 THE STATE LAND DEPARTMENT HAS RECEIVED A BOND, A LETTER OF CREDIT OR ANY
24 OTHER SUFFICIENT FINANCIAL ASSURANCE THAT, IN THE REASONABLE DISCRETION
25 OF THE STATE LAND COMMISSIONER, PROVIDES FOR PAYMENT TO THE STATE LAND
26 TRUST OF AN AMOUNT EQUAL TO THE MARKET SALE VALUE OF THE LAND AND
27 IMPROVEMENTS CONTAINING THE ANCILLARY USE DEVELOPMENT, LESS DEVELOPMENT
28 COSTS, IF THE MUNICIPALITY DOES NOT GRANT A PERMANENT CERTIFICATE OF
29 OCCUPANCY FOR THE INTERNATIONAL HEADQUARTERS BUILDING WITHIN FIVE YEARS
30 AFTER GRANTING THE CERTIFICATE OF OCCUPANCY FOR THE ANCILLARY USE
31 BUILDING.

32 H. A MUNICIPALITY SHALL CONSENT TO AMENDMENTS TO EXISTING
33 DEVELOPMENT AGREEMENTS TO WHICH THE MUNICIPALITY IS A SIGNATORY THAT ARE
34 REASONABLY NECESSARY TO ALLOW FOR THE DEVELOPMENT OF HOTEL USE OR
35 MULTIFAMILY RESIDENTIAL USE AS AN ANCILLARY USE PURSUANT TO THIS
36 SECTION.

37 I. THIS SECTION DOES NOT APPLY TO LAND IN THE TERRITORY IN THE
38 VICINITY OF A MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED
39 IN SECTION 28-8461.

J. FOR THE PURPOSES OF THIS SECTION:

1. "BUILDING CODE" HAS THE SAME MEANING PRESCRIBED IN SECTION 9-1301.

2. "INTERNATIONAL HEADQUARTERS" MEANS A PRINCIPAL CENTRAL ADMINISTRATIVE OFFICE WHERE PRIMARY HEADQUARTERS-RELATED FUNCTIONS AND SERVICES ARE PERFORMED, INCLUDING FINANCIAL, PERSONNEL, ADMINISTRATIVE, LEGAL, PLANNING AND SIMILAR BUSINESS FUNCTIONS, AND THAT DOES NOT REPORT TO ANY PARENT COMPANY OUTSIDE OF THIS STATE.

3. "INTERNATIONAL HEADQUARTERS BUILDING" MEANS THE PRIMARY BUILDING THAT CONTAINS THE INTERNATIONAL HEADQUARTERS ON THE INTERNATIONAL HEADQUARTERS CAMPUS.

4. "INTERNATIONAL HEADQUARTERS CAMPUS" MEANS A CONTIGUOUS AREA OF NOT LESS THAN FORTY GROSS ACRES, PORTIONS OF WHICH MAY BE SEPARATED BY PUBLIC RIGHTS-OF-WAY, ON WHICH AN INTERNATIONAL HEADQUARTERS IS LOCATED AND WHICH MAY INCLUDE ANCILLARY USE PURSUANT TO THIS SECTION.

5. "LIGHT INDUSTRIAL USE" INCLUDES LIGHT MANUFACTURING AND AERONAUTICAL USE.

6. "RELATED ENTITIES" MEANS ENTITIES THAT HAVE MORE THAN FIFTY PERCENT DIRECT OR INDIRECT COMMON OWNERSHIP.

7. "ZONING DISTRICT" MEANS A ZONING DISTRICT, PLANNED COMMUNITY DISTRICT, PLANNED AREA DEVELOPMENT OR PLANNED UNIT DEVELOPMENT.

Sec. 2. Legislative findings

The legislature finds:

1. That it is in the public interest of this state to encourage the location or relocation of corporate headquarters to this state.

2. That the development of corporate international headquarters campuses as defined in section 9-461.19, Arizona Revised Statutes, as added by this act, that include primary commercial uses as well as ancillary residential uses contribute greatly to the economic prosperity and health of this state.

3. That it is necessary to adopt a uniform law governing international headquarters campuses as defined in section 9-461.19, Arizona Revised Statutes, as added by this act, to encourage the development of corporate international headquarters campuses throughout this state."

Amend title to conform

TONY RIVERO

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