

CITY COUNCIL REPORT



Meeting Date: *November 25, 2024*
 General Plan Element: *Economic Vitality*
 General Plan Goal: *Manage land uses to enhance economic development while protecting neighborhoods.*

ACTION

Adaptive Reuse & Development Application Determination Text Amendment 3-TA-2024

Request to consider the following:

1. Adopt Ordinance No. 4651 for the purposes of amending the City of Scottsdale Zoning Ordinance (Ordinance No. 455) Article I, Section 1.206. (Processing Of Development Applications.) and Section 1.305. (Review Of Applications.), Article III, Section 3.100. (Definitions), Article V, Section 5.2102. (Planned Community – P-C, General Provisions) and Section 5.2605. (Planned Regional Center – PRC, Use Regulations), Article VII. – General Provisions, and Article XI – Land Use Tables for the purposes of addressing recent State of Arizona Legislation relating to Adaptive Reuse (HB2297) & Development Application Determination (SB1162) as provided in Case No 3-TA-2024, and
2. Adopt Resolution No. 13253 declaring as a public record that certain document filed with the City Clerk of the City of Scottsdale and entitled “Adaptive Reuse & Development Application Determination Text Amendment – 3-TA-2024”, and
3. Adopt Resolution No. 13254 declaring as public record those certain documents filed with the City Clerk of the City of Scottsdale and entitled “Scottsdale Commercial and Employment Hubs and Essential Areas Table” and “Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment”.

Related Policies, References:

Scottsdale General Plan 2035, as amended
 Zoning Ordinance

Key Items for Consideration

- Amending the City’s Zoning Ordinance to ensure compliance with State law, including:
 - Arizona State Legislature passed HB2297 – required compliance by January 1, 2025
 - Arizona State Legislature passed SB1162

STAFF CONTACTS

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 Adam Yaron, Planning & Development Area Manager – Long Range Planning Services

APPLICABILITY

Citywide

BACKGROUND

In the 2024 session, the Arizona State Legislature passed HB2297 (Attachment 1), which requires Arizona municipalities with a population of 150,000 or more to establish standards to allow *not more than* ten percent (10%) of *existing* commercial, office and mixed-use buildings to be repurposed to multifamily housing, subject to certain limitations and requirements. A key component of HB2297 specifies that the process of converting from the existing use to the new multifamily residential use must occur without requiring any public hearings. In Scottsdale, that would include rezoning, conditional use permit and development review hearings. Further, the Arizona State Legislature also passed SB1162 (Attachment 2). Included in this bill are requirements that Arizona municipalities amend their Zoning Ordinances to address the processing of zoning applications and outline specific time frames for review and approval of zoning applications. The Governor signed both bills and the new legislation became effective September 14, 2024. Scottsdale now must amend its Zoning Ordinance by January 1, 2025, to comply with State Law.

ANALYSIS & ASSESSMENT

The following summarizes staff's analysis of HB2297 and SB1162, and recommended responses to this new legislation that are proposed within 3-TA-2024 (Attachments 3 and 4).

HB2297 – Adaptive Reuse

HB2297 requires municipalities with a population of 150,000 or more to establish standards to allow the conversion of *not more than* ten percent (10%) of the total *existing* commercial, office, or mixed-use buildings within a municipality to multifamily residential development uses without a public hearing process. Conversion eligibility is determined by several different factors including the total area a municipality chooses to allocate for conversion, property size, property condition, infrastructure, building code requirements, and the provision of moderate or low-income housing. Eligibility is further limited by exclusion areas such as those designated for commercial protection by the City, and areas in the vicinity of an airport.

The City's intent is to preserve its current approach to planning and development, including the public input and hearing processes, while still meeting the legal parameters of the bill. This includes:

- Excluding 10% of existing commercial, office, and mixed-use buildings within eligible parts of the city, which will be designated as Commercial or Employment Hubs or Essential Commercial or Employment Use Areas,
- Excluding land in an area that is designated historic by a local government, or that is designated as historic on the national register of historic places, and
- Excluding land in the vicinity of a Federal Aviation Administration commercially licensed airport or general aviation or public airport as defined by State Law.

The new legislation sets forth criteria that a municipality must follow in establishing standards for conversion to multifamily residential development, which include:

The city *cannot*:

- require rezoning, conditional use permits, or any other type of development application that would require the types of public hearings that the city would normally require for such changes in buildings and land uses from commercial and office to multifamily residential, and
- establish setback, density, parking & building height requirements that are any greater than the requirements set forth in State Law.

The city *can* require:

- administrative site plan review and approval,
- public utility review,
- adequate public sewer and water service,
- compliance with applicable Building and Fire Codes,
- that the existing buildings are economically or functionally obsolete,
- that the existing buildings are located on a parcel or parcels that are at least one (1) acre in size, but no more than twenty (20) acres in size, and
- a minimum of ten percent (10%) of the total new dwelling units be set aside for either moderate-income housing or low-income housing, or any combination of the two for at least twenty (20) years after the initial occupation of the proposed development.

In response to HB2297, the proposed draft text amendment includes the following:

- New Zoning Ordinance definitions for: Building Code, Economically or Functionally Obsolete, Low-income Housing, Moderate-income Housing, and Multifamily Conversion. These definitions will ensure critical elements of the State Law are incorporated, and subsequently implemented, into the city's Zoning Ordinance as required by State Statute.
- Establish a new defined land use entitled "Multifamily Conversion" in commercial zoning districts throughout the Zoning Ordinance.
- Establish qualifications to utilize the Multifamily Conversion land use, including:
 - A Multifamily Conversion development must be located on a parcel or parcels that have an existing commercial, mixed-use, or office building or buildings that have received a Certificate of Occupancy on or before December 31, 2024,
 - A Multifamily Conversion development must be located on a parcel or parcels that are a minimum of one (1) net acre in size, but not more than twenty (20) net acres in size,
 - A Multifamily Conversion development shall not be located in any of the exclusion areas as permitted by State Statute and noted above.
 - A Multifamily Conversion development must demonstrate adequate public water and sewer infrastructure service for the entire proposed development, as administered by the City of Scottsdale.
 - A Multifamily Conversion development must demonstrate that the existing building or buildings located on the parcel or parcels of the development have been economically or functionally obsolete for at least six (6) consecutive months, to the satisfaction of the Zoning Administrator or designee. This requirement ensures that the building's obsolescence is not a temporary condition.

- A Multifamily Conversion development must allocate a minimum of ten (10%) percent of the total dwelling units of the Multifamily Conversion development as either moderate-income housing or low-income housing, or any combination thereof, for at least twenty (20) years after the initial occupation of the proposed development project, in a form satisfactory to the City Attorney or designee.
- A Multifamily Conversion development must have a total gross floor area that cumulatively with any existing and approved Multifamily Conversion development, does not exceed the Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment. Fulfillment of the allotment is determined by:
 - The number of buildings and/or building area redeveloped for Multifamily Conversion; in culmination with
 - The number of buildings and/or building area with approved building permits for Multifamily Conversion but not yet completed; in culmination with
 - The number of buildings and/or building area with submitted construction documents for development of a Multifamily Conversion but not yet permitted.

Finally, the legislation outlines certain property development standards that a municipality must follow for a Multifamily Conversion. Generally, a Multifamily Conversion development will be subject to the property development standards of the underlying zoning district for which the development is located. However, per the new State Law the property development standards for building setbacks, density allowances, and building height maximum allowances will be based upon established multifamily residential development within one mile of a Multifamily Conversion. If a new Multifamily Conversion development is not located within one mile of an established multifamily residential development, then the Multifamily Conversion property development standards will be based upon that of existing multifamily residential zoning districts in the Zoning Ordinance. Those property development standards specified in the State Law include:

Density

- The maximum multifamily residential density for a Multifamily Conversion development shall be equal to the highest allowable multifamily residential density of a multifamily residential zoning district within one (1) mile of the subject Multifamily Conversion development. If there is no multifamily residential zoning district within one (1) mile of the subject Multifamily Conversion development, the maximum multifamily residential density for the subject Multifamily Conversion development shall be equivalent to the Two-Family Residential (R-2) zoning district.
 - A Multifamily Conversion development constructed does not qualify as being within one (1) mile of a subsequent Multifamily Conversion development, or as the next closest multifamily residential district in the Zoning Ordinance.

Building Height

- The maximum building height for a Multifamily Conversion development located within one hundred (100) feet of a Single-family Residential District shall not exceed the lesser of two stories or thirty (30) feet (inclusive of rooftop appurtenances). This building height limitation applies to all buildings of the Multifamily Conversion development.
- The maximum building height for a Multifamily Conversion development that is not located within one hundred (100) feet of a Single-family Residential District shall not exceed the lesser of five (5) stories or sixty (60) feet, or the highest allowable multifamily

residential building height (exclusive of rooftop appurtenances) for a multifamily residential zoning district or the portion of a Planned Community (P-C) with an underlying zoning district comparable to a multifamily residential district. If there is no multifamily residential zoning district within one (1) mile of the subject Multifamily Conversion development, the maximum building height for the subject Multifamily Conversion development shall be equivalent to the Townhouse Residential (R-4) zoning district.

- Any Multifamily Conversion development constructed pursuant to the provisions of this section does not qualify as being within one (1) mile of a subsequent Multifamily Conversion development, or as the next closest multifamily residential district in the Zoning Ordinance.

Building Setbacks

- The minimum building setback for a Multifamily Conversion development is equivalent to the building setback requirements of the Townhouse Residential (R-4) zoning district.

Private Outdoor Living Space

- All dwelling units are to include private outdoor living space located directly adjacent to the dwelling unit.
- Each private outdoor living space is to be at least six (6) feet deep and sixty (60) square feet in area.

Implementation of HB2297 – Adaptive Reuse

Incorporating the requirements of HB2297 into the city's Zoning Ordinance is just the first of several steps needed to implement the bill. This initial step is the only step that requires a public hearing.

The second step is multifaceted – but will focus on the city's operational practices, where the city will continue to assess development applications based on the qualifications and criteria established by this text amendment. This includes applying all allowable exclusions under State Law to limit the impact on the community while adhering to the legal requirements of HB2297. Once these standards are applied, additional qualifications include:

1. Potential Areas for Multifamily Conversion:

HB2297 mandates that municipalities establish standards allowing the conversion of no more than 10% of their total existing commercial, office, or mixed-use buildings to multifamily residential without a public hearing. These conversions are determined by point-in-time metrics. City staff analyzed existing buildings using Maricopa County Assessor Land Use Codes, calculating a total of 9,497,274 square feet of floor space across 982 commercial, office, and mixed-use buildings. After applying exclusionary provisions, the proposed text amendment allows 1% (94,972 square feet or 10 buildings, whichever comes first) of eligible areas to be converted to multifamily residential use without requiring a public hearing. This conversion limit will help maintain the land use balance outlined in the voter-ratified General Plan Future Land Use Map.

2. Designation of Commercial/Employment Hubs:

HB2297 allows cities to designate "commercial or employment hubs" where existing commercial, office, employment, or mixed-use buildings are exempt from the requirements of the law (Attachment 5a). These hubs can cover up to 10% of the city's total commercial, office, and mixed-use buildings. The legislation does not provide qualifications for the location of these hubs, so the city has flexibility in determining their location.

The Planning Department collaborated with Economic Development to prioritize areas for these hubs, focusing on larger sites with significant redevelopment potential. Key factors in prioritizing these areas (all equally important) include:

- Areas currently undergoing or with a history of redevelopment (to preserve the public hearing process).
- Neighborhood retail centers (e.g., grocery-anchored).
- Proximity to existing resorts, single-family neighborhoods, and multifamily developments.

3. *Economically or Functionally Obsolete Buildings*

Provided an existing commercial, office, or mixed-use building qualifies from the aforementioned criteria, a property will need to demonstrate that the existing building or buildings have been economically or functionally obsolete for at least six (6) continuous months to the satisfaction of the Zoning Administrator or designee.

4. *Demonstrate Compliance with Development Requirements*

Once a site can be qualified, it will be incumbent for an applicant to demonstrate compliance with all standards set forth by the city's Zoning Ordinance, Design Standards and Policies Manual, and applicable Building and Fire Codes as required by City code through an administrative review process.

As redevelopment of qualifying buildings occur over time, the city will maintain its commitment to regularly informing the public through enhanced notifications processes. These efforts include sharing updates on social media platforms and through regular e-subscription services, such as P&Z Link, to ensure public awareness and education of such redevelopment efforts.

5. *Tracking and Allotment of Multifamily Conversions*

The City's Zoning Administrator (or designee) will keep track of the number of buildings and building area converted under the new Ordinance (Attachment 5b). Once the total allotment for multifamily conversions is reached, no further applications will be accepted. Fulfillment of the allotment will be based on:

1. The number of buildings and/or building area redeveloped for Multifamily Conversion; in cumulative with
2. The number of buildings and/or building area with approved building permits for Multifamily Conversion but not yet completed; in cumulative with
3. The number of buildings and/or building area with submitted construction documents for development of a Multifamily Conversion but not yet permitted.

A community's ability to prepare and respond to change is an indication of its resiliency and sustainability. Although the impacts of this new State Law offer both positive and negative changes, the city will look to respond to emerging trends, issues, and opportunities associated with the implementation of HB2297.

SB1162 – Development Application Determination

SB1162 introduces new requirements for how a municipality processes zoning applications. These changes require municipalities to adopt updates to their Zoning Ordinances that address two key areas:

1. *Administrative Completeness (30-Day Review Period):*

The City must determine whether a zoning application is administratively complete within 30 days of receiving it. Although the City currently reviews applications for completeness within 15 days, this practice has not been codified. With the updates proposed in 3-TA-2024, the City proposes to formalize the 30 day review requirement in its Zoning Ordinance.

2. *Substantive Review and Approval or Denial (180-Day Deadline):*

After the City has determined a zoning application to be administratively complete, the City must approve or deny a zoning application within 180 days. This time-period includes:

- The time the City utilizes to conduct a substantive review of the application (excluding any periods when the application is returned to the applicant for revisions),
- Public noticing requirements, and
- All public hearings before relevant boards and commissions, such as the Airport Advisory Commission, Historic Preservation Commission, Development Review Board, Planning Commission, and City Council.

Extension Options:

- The City may grant a one-time extension of the overall time frame of up to 30 days in cases of extenuating circumstances.
- Applicants may request 30-day extensions of the overall time frame, with the possibility of multiple extensions if needed.

Implementation of SB1162 – Development Application Determination

Although the implementation of SB1162 is mainly operational, the legislation brings both known and unknown impacts. The known impacts include:

- *Applicant Proposals and Responsiveness to City Review Comments:* While the city's current processes have been flexible and are generally customer/business-friendly, stricter practices may be necessary to determine whether an application is complete. If an applicant does not respond to the city's review comments, it could lead to more conditions being imposed or the city taking an unfavorable stance on the application.
- *Coordination Between Applicants, the Public, and Hearing Bodies:* A zoning decision must be made within 180 days after an application is deemed complete. This timeline includes all city review periods and any public hearing notices. The requirement to meet this deadline may affect how thoroughly applicants respond to the public and hearing bodies. Depending on the proposal, multiple hearings could be required, including those with the Airport Advisory Commission, Historic Preservation Commission, Development Review Board, Planning Commission, and City Council. These changes are expected to impact the timeline for public involvement and may affect the community's familiarity with current development review processes. However, the 180-day time limit, while firm, allows for some flexibility through applicant-initiated extensions.

Additional Proposed Zoning Ordinance Amendments in 3-TA-2024

On [September 10, 2024](#), City Council adopted Resolution 13232, which accomplished the following:

- Repealed Resolution No. 8356, which previously established the McDowell & Scottsdale Corridor Single Central Business District.
- Initiated a text amendment to the City of Scottsdale Zoning Ordinance (No. 455) to update the size requirements for the Planned Community (P-C) District.

Included within this text amendment are updates to the Zoning Ordinance that will preserve existing zoning entitlements for properties with P-C district zoning as well as those properties of 10 acres or more in land area by using the McDowell Road/Scottsdale Road Growth Area Boundary as policy framework support for the zoning district. Related to this item, implementation is strictly focused on the City's application of its Zoning Ordinance.

PUBLIC PARTICIPATION

An informative video regarding Case No. 3-TA-2024 was created by the City and posted online. As of the drafting of this report, online viewership has been noteworthy at over 300 views. Further, City staff hosted two open house events to discuss proposed changes to the Zoning Ordinance on Thursday, September 19, 2024, and Friday, September 20, 2024. A total of 20 people attended the in-person sessions.

Overall, attendees responded positively to the proposed amendments, with many attendees expressing support that their properties would not be as affected, and there would be fewer overall community impacts, due to exclusions under the new State Law, particularly airport vicinity areas. The full citizen involvement report can be found as Attachment 6. All other public input received can be found with Attachment 7.

OTHER BOARDS & COMMISSIONS

Planning Commission – Initiation

This effort to update the Zoning Ordinance in response to HB2297 and SB1162 was initiated by the Planning Commission on July 10, 2024.

Neighborhood Advisory Commission (NAC) – Informational Only

Staff presented this text amendment to the NAC on [September 25, 2024](#) as an informational item.

Planning Commission – Non-Action

Staff presented this text amendment to the Planning Commission on [October 9, 2024](#) as a non-action item to review, discuss, and answer Planning Commission questions about the proposed Zoning Ordinance text amendment, educate the public about the new State Laws, and provide an opportunity for continued public input.

Planning Commission – Recommendation

Staff presented this text amendment to the planning Commission for action on [October 23, 2024](#). The Planning Commission voted 6-1 to recommend the City Council adopt Ordinance No. 4651, Resolution No. 13253, and Resolution No. 13254, with Commissioner Ertel dissenting.

Staff Recommendation to Planning Commission

Staff recommended that the Planning Commission find that the proposed text amendment is consistent and conforms with the adopted General Plan and make a recommendation to City Council for adoption of Ordinance No. 4651, Resolution No. 13253, and Resolution No. 13254.

STAFF RECOMMENDATION & NEXT STEPS

RECOMMENDED APPROACH

1. Adopt Ordinance No. 4651 for the purposes of amending the City of Scottsdale Zoning Ordinance (Ordinance No. 455) Article I, Section 1.206. (Processing Of Development Applications.) and Section 1.305. (Review Of Applications.), Article III, Section 3.100. (Definitions), Article V, Section 5.2102. (Planned Community – P-C, General Provisions) and Section 5.2605. (Planned Regional Center – PRC, Use Regulations), Article VII. – General Provisions, and Article XI – Land Use Tables for the purposes of addressing recent State of Arizona Legislation relating to Adaptive Reuse (HB2297) & Development Application Determination (SB1162) as provided in Case No 3-TA-2024, and
2. Adopt Resolution No. 13253 declaring as a public record that certain document filed with the City Clerk of the City of Scottsdale and entitled “Adaptive Reuse & Development Application Determination Text Amendment – 3-TA-2024”, and
3. Adopt Resolution No. 13254 declaring as public record those certain documents filed with the City Clerk of the City of Scottsdale and entitled “Scottsdale Commercial and Employment Hubs and Essential Areas Table” and “Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment”.

NEXT STEPS

Although the legislation only requires an update to its Zoning Ordinance, staff determined during review of the state legislation that an amendment to Scottsdale General Plan 2035 may be necessary to bring together the effects of this legislation at the policy level, commensurate with the regulatory changes proposed by Case No. 3-TA-2024. For this reason, the city may pursue an effort in 2025 to amend its General Plan through a separate, future public input and hearing process as a result of any Zoning Ordinance changes that occur with this text amendment to allow greater transparency, public involvement, and ease of review to all considered amendments.

RESPONSIBLE DEPARTMENTS & STAFF CONTACTS

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ATTACHMENTS

1. HB2297 Legislative Text
2. SB1162 Legislative Text
3. Ordinance No. 4651
4. Resolution No. 13253
Exhibit A: Adaptive Reuse & Development Application Determination Text Amendment – 3-TA-2024
5. Resolution No. 13254
Exhibit A: Scottsdale Commercial and Employment Hubs and Essential Areas Table
Exhibit B: Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment
6. Citizen Involvement Report
7. Public Input Received

Senate Engrossed House Bill

~~adaptive reuse; commercial buildings; zoning~~
~~(now: zoning; adaptive reuse; commercial buildings)~~
(now: commercial buildings; adaptive reuse)

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

CHAPTER 141

HOUSE BILL 2297

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. Commercial buildings; multifamily development;
5 adaptive reuse; prohibition on rezoning or
6 municipal review; objective standards;
7 applicability; definitions

8 A. ON OR BEFORE JANUARY 1, 2025, THE GOVERNING BODY OF A
9 MUNICIPALITY WITH A POPULATION OF ONE HUNDRED FIFTY THOUSAND OR MORE
10 PERSONS SHALL ESTABLISH OBJECTIVE STANDARDS TO ALLOW MULTIFAMILY
11 RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE ON NOT MORE THAN TEN PERCENT OF
12 THE TOTAL EXISTING COMMERCIAL, OFFICE OR MIXED USE BUILDINGS WITHIN THE
13 MUNICIPALITY WITHOUT REQUIRING A CONDITIONAL USE PERMIT, A PLANNED UNIT
14 DEVELOPMENT OR REZONING APPLICATION OR ANY OTHER APPLICATION THAT WOULD
15 REQUIRE A PUBLIC HEARING. THE GOVERNING BODY OF THE MUNICIPALITY MAY
16 MODIFY THE PERCENTAGE OF EXISTING COMMERCIAL, OFFICE OR MIXED USE
17 BUILDINGS WITHIN THE MUNICIPALITY AVAILABLE FOR MULTIFAMILY RESIDENTIAL
18 DEVELOPMENT OR ADAPTIVE REUSE EVERY TEN YEARS.

19 B. A MUNICIPALITY MAY DESIGNATE COMMERCIAL OR EMPLOYMENT HUBS AND
20 OTHER ESSENTIAL COMMERCIAL OR EMPLOYMENT USE AREAS WHERE EXISTING
21 COMMERCIAL, OFFICE, EMPLOYMENT OR MIXED USE BUILDINGS ARE EXCLUDED FROM
22 THE PROVISIONS OF THIS SECTION. THE DESIGNATIONS MADE PURSUANT TO THIS
23 SUBSECTION MAY NOT EXCEED TEN PERCENT OF THE EXISTING COMMERCIAL, OFFICE,
24 EMPLOYMENT OR MIXED USE BUILDINGS WITHIN THE MUNICIPALITY. A MUNICIPALITY
25 MAY MODIFY THE COMMERCIAL OR EMPLOYMENT HUBS THAT ARE EXCLUDED FROM THE
26 PROVISIONS OF THIS SECTION ONCE EVERY TEN YEARS.

27 C. FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE, THE
28 OBJECTIVE STANDARDS ESTABLISHED BY A MUNICIPALITY SHALL REQUIRE BUT MAY
29 NOT REQUIRE MORE THAN THE FOLLOWING:

30 1. A MUNICIPAL SITE PLAN REVIEW AND APPROVAL PROCESS REQUIREMENT,
31 INCLUDING SITE PLAN REVIEW BY ANY UTILITY PROVIDER IMPACTED BY THE
32 PROPOSED DEVELOPMENT.

33 2. ADEQUATE PUBLIC SEWER AND WATER SERVICE FOR THE ENTIRE PROPOSED
34 DEVELOPMENT.

35 3. COMPLIANCE WITH ALL APPLICABLE BUILDING AND FIRE CODES.

36 4. THAT THE EXISTING BUILDINGS ARE ECONOMICALLY OR FUNCTIONALLY
37 OBSOLETE.

38 5. THAT THE EXISTING BUILDINGS ARE LOCATED ON A PARCEL OR PARCELS
39 THAT ARE AT LEAST ONE ACRE IN SIZE BUT NOT MORE THAN TWENTY ACRES IN SIZE.

40 6. A SET ASIDE OF TEN PERCENT OF THE TOTAL DWELLING UNITS FOR
41 EITHER MODERATE-INCOME HOUSING OR LOW-INCOME HOUSING OR ANY COMBINATION OF
42 THE TWO FOR AT LEAST TWENTY YEARS AFTER THE INITIAL OCCUPATION OF THE
43 PROPOSED DEVELOPMENT. THE DEVELOPER MAY SET ASIDE MORE THAN TEN PERCENT
44 AT THE DEVELOPER'S SOLE DISCRETION.

1 D. THE OBJECTIVE STANDARDS MAY NOT CONTAIN PARKING SPACE
2 REQUIREMENTS THAT EXCEED THE PARKING REQUIREMENTS THAT APPLY TO
3 MULTIFAMILY RESIDENTIAL BUILDINGS OR ADAPTIVE REUSE BUILDINGS UNDER THE
4 EXISTING ZONING CODE UNLESS THE PROPOSED MULTIFAMILY RESIDENTIAL
5 DEVELOPMENT OR ADAPTIVE REUSE ALSO QUALIFIES AS A MIXED USE DEVELOPMENT.

6 E. A MUNICIPALITY MAY NOT WITHHOLD A DEMOLITION PERMIT IF A
7 MULTIFAMILY RESIDENTIAL DEVELOPMENT MEETS THE REQUIREMENTS OF THIS
8 SECTION. FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT, ALL OF THE FOLLOWING
9 APPLY:

10 1. THE DEMOLITION OF ALL OR A PORTION OF THE EXISTING COMMERCIAL,
11 OFFICE OR MIXED USE BUILDINGS SHALL BE ALLOWED.

12 2. SETBACK REQUIREMENTS MAY NOT EXCEED WHAT IS REQUIRED IN THE
13 EXISTING ZONING CODE FOR MULTIFAMILY RESIDENTIAL BUILDINGS.

14 3. NOTWITHSTANDING SECTION 9-462.01, SUBSECTION C, THE MAXIMUM
15 HEIGHT AND DENSITY SHALL BE EQUAL TO THE HIGHEST ALLOWABLE MULTIFAMILY
16 HEIGHT AND DENSITY FOR A MULTIFAMILY ZONING DISTRICT IN THE MUNICIPALITY
17 WITHIN ONE MILE OF THE BUILDING TO BE REDEVELOPED. IF THERE IS NO
18 MULTIFAMILY ZONING DISTRICT IN THE MUNICIPALITY WITHIN ONE MILE OF THE
19 BUILDING TO BE REDEVELOPED, THE MAXIMUM HEIGHT AND DENSITY SHALL BE
20 EQUIVALENT TO THE NEXT CLOSEST MULTIFAMILY ZONING DISTRICT.

21 4. THE ALLOWABLE HEIGHT MAY NOT EXCEED FIVE STORIES AND A
22 MUNICIPALITY MAY LIMIT THE HEIGHT TO TWO STORIES IN THE AREAS OF A SITE
23 WITHIN ONE HUNDRED FEET OF SINGLE-FAMILY RESIDENTIAL ZONES. MULTIFAMILY
24 RESIDENTIAL DEVELOPMENT THAT IS CONSTRUCTED PURSUANT TO THIS SECTION DOES
25 NOT QUALIFY AS BEING WITHIN ONE MILE OF THE BUILDING BEING REDEVELOPED OR
26 THE NEXT CLOSEST MULTIFAMILY BUILDING.

27 F. A MUNICIPALITY MAY NOT WITHHOLD A DEMOLITION PERMIT IF AN
28 ADAPTIVE REUSE PROJECT MEETS THE REQUIREMENTS OF THIS SECTION. FOR
29 ADAPTIVE REUSE, ALL OF THE FOLLOWING APPLY:

30 1. THE DEMOLITION OF A PORTION OF THE EXISTING COMMERCIAL, OFFICE
31 OR MIXED USE BUILDING OR BUILDINGS SHALL BE ALLOWED.

32 2. THE SETBACK REQUIREMENTS FOR THE PROPOSED USE SHALL APPLY. IF
33 THE MINIMUM SETBACK REQUIREMENT THAT APPLIES TO THE EXISTING COMMERCIAL,
34 OFFICE OR MIXED USE BUILDING IS LESS THAN THE MINIMUM SETBACK REQUIREMENT
35 THAT APPLIES TO THE PROPOSED USE, THE EXISTING BUILDING SHALL BE
36 CONSIDERED NONCONFORMING FOR SETBACK PURPOSES UNLESS EASEMENTS, INCLUDING
37 PUBLIC UTILITY EASEMENTS, ARE LOCATED WITHIN SETBACK AREAS.

38 3. IF THE MAXIMUM ALLOWABLE HEIGHT THAT APPLIES TO THE EXISTING
39 COMMERCIAL, OFFICE OR MIXED USE BUILDING EXCEEDS THE MAXIMUM ALLOWABLE
40 HEIGHT FOR THE PROPOSED USE, THE EXISTING HEIGHT MAY REMAIN AND SHALL BE
41 CONSIDERED NONCONFORMING FOR HEIGHT PURPOSES AND THE EXISTING BUILDING MAY
42 BE EXPANDED TO THE MAXIMUM ALLOWABLE DENSITY FOR THE PROPOSED USE. ANY
43 ROOFTOP APPURTENANCES SHALL BE INCLUDED WITHIN THE HEIGHT EXEMPTION.

1 G. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:
2 1. LAND IN AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL
3 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.
4 2. LAND IN AN AREA THAT IS DESIGNATED HISTORIC BY A LOCAL
5 GOVERNMENT.
6 3. LAND IN AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL
7 REGISTER OF HISTORIC PLACES.
8 4. LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY AIRPORT OR
9 ANCILLARY MILITARY FACILITY AS DEFINED IN SECTION 28-8461.
10 5. LAND IN THE TERRITORY IN THE VICINITY OF A FEDERAL AVIATION
11 ADMINISTRATION COMMERCIALY LICENSED AIRPORT OR A GENERAL AVIATION OR
12 PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.
13 6. LAND IN A MUNICIPALITY THAT IS LOCATED ON TRIBAL LAND.
14 H. FOR THE PURPOSES OF THIS SECTION:
15 1. "ADAPTIVE REUSE" MEANS CONVERTING AN EXISTING BUILDING FROM THE
16 USE FOR WHICH IT WAS CONSTRUCTED TO A NEW USE BY MAINTAINING SOME OR ALL
17 OF THE ELEMENTS OF THE BUILDING.
18 2. "BUILDING CODE" HAS THE SAME MEANING PRESCRIBED IN SECTION
19 9-1301.
20 3. "ECONOMICALLY OR FUNCTIONALLY OBSOLETE" MEANS THE COMMERCIAL,
21 OFFICE OR MIXED USE BUILDING IS IN A STATE OF DISREPAIR OR HAS A FIFTY
22 PERCENT VACANCY IN THE TOTAL LEASABLE SQUARE FOOTAGE.
23 4. "LOW-INCOME HOUSING" MEANS HOUSING:
24 (a) FOR A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED
25 EIGHTY PERCENT OF THE AREA MEDIAN INCOME.
26 (b) FOR WHICH THE OCCUPANT PAYS NOT MORE THAN THIRTY PERCENT OF THE
27 OCCUPANT'S GROSS INCOME FOR THE OCCUPANT'S RENT OR MORTGAGE, AS DETERMINED
28 BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED
29 ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
30 5. "MODERATE-INCOME HOUSING" MEANS HOUSING:
31 (a) FOR A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED
32 ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME.
33 (b) FOR WHICH THE OCCUPANT PAYS NOT MORE THAN THIRTY PERCENT OF THE
34 OCCUPANT'S GROSS INCOME FOR THE OCCUPANT'S RENT OR MORTGAGE, AS DETERMINED
35 BY THE ARIZONA DEPARTMENT OF HOUSING AND ADJUSTED FOR HOUSEHOLD SIZE BASED
36 ON THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
37 6. "MULTIFAMILY RESIDENTIAL DEVELOPMENT" MEANS A BUILDING OR
38 BUILDINGS THAT ARE DESIGNED AND USED FOR RESIDENTIAL PURPOSES AND THAT
39 CONTAIN MORE THAN ONE APARTMENT OR DWELLING UNIT FOR SALE OR FOR RENT BUT
40 THAT ARE NOT ADAPTIVE REUSE.
41 7. "NONCONFORMING" MEANS STRUCTURES THAT HAVE RECEIVED BUILDING AND
42 ZONING PERMITS UNDER THE REGULATIONS IN PLACE AT THE TIME OF CONSTRUCTION.

1 8. "ROOFTOP APPURTENANCES":

2 (a) MEANS ROOFTOP STRUCTURES THAT PRINCIPALLY HOUSE AIR
3 CONDITIONING EQUIPMENT, SOLAR PANELS, UTILITIES, ELEVATORS, OTHER ENERGY
4 PRODUCTION FACILITIES AND OTHER NONHABITABLE STRUCTURES.

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

7 (c) DOES NOT INCLUDE ENCLOSED AREAS, SPIRES, BELL TOWERS, DOMES,
8 CUPOLAS, PEDIMENTS, OBELISKS OR MONUMENTS.

APPROVED BY THE GOVERNOR APRIL 10, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2024.

~~telecommunications fund; report; posting~~
(now: residential zoning; housing; assessment; hearings)

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

CHAPTER 172

SENATE BILL 1162

AN ACT

AMENDING SECTION 9-462.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.10; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.4, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-469; RELATING TO MUNICIPALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-462.04, Arizona Revised Statutes, is amended
3 to read:

4 9-462.04. Public hearing required; definition

5 A. If the municipality has a planning commission or a hearing
6 officer, the planning commission or hearing officer shall hold a public
7 hearing on any zoning ordinance. Notice of the time and place of the
8 hearing including a general explanation of the matter to be considered and
9 including a general description of the area affected shall be given at
10 least fifteen days before the hearing in the following manner:

11 1. The notice shall be published at least once in a newspaper of
12 general circulation published or circulated in the municipality, or if
13 there is none, it shall be posted on the affected property in such a
14 manner as to be legible from the public right-of-way and in at least ten
15 public places in the municipality. A posted notice shall be printed so
16 that the following are visible from a distance of one hundred feet: the
17 word "zoning", the present zoning district classification, the proposed
18 zoning district classification and the date and time of the hearing.

19 2. In proceedings involving rezoning of land that abuts other
20 municipalities or unincorporated areas of the county or a combination of a
21 municipality and an unincorporated area, copies of the notice of public
22 hearing shall be transmitted to the planning agency of the governmental
23 unit abutting such land. In proceedings involving rezoning of land that
24 is located within the territory in the vicinity of a military airport or
25 ancillary military facility as defined in section 28-8461, the
26 municipality shall send copies of the notice of public hearing by first
27 class mail to the military airport. In addition to notice by publication,
28 a municipality may give notice of the hearing in any other manner that the
29 municipality deems necessary or desirable.

30 3. In proceedings that are not initiated by the property owner
31 involving rezoning of land that may change the zoning classification,
32 notice by first class mail shall be sent to each real property owner, as
33 shown on the last assessment of the property, of the area to be rezoned
34 and all property owners, as shown on the last assessment of the property,
35 within three hundred feet of the property to be rezoned.

36 4. In proceedings involving one or more of the following proposed
37 changes or related series of changes in the standards governing land uses,
38 notice shall be provided in the manner prescribed by paragraph 5 of this
39 subsection:

40 (a) A ten percent or more increase or decrease in the number of
41 square feet or units that may be developed.

42 (b) A ten percent or more increase or reduction in the allowable
43 height of buildings.

1 (c) An increase or reduction in the allowable number of stories of
2 buildings.

3 (d) A ten percent or more increase or decrease in setback or open
4 space requirements.

5 (e) An increase or reduction in permitted uses.

6 5. In proceedings governed by paragraph 4 of this subsection, the
7 municipality shall provide notice to real property owners pursuant to at
8 least one of the following notification procedures:

9 (a) Notice shall be sent by first class mail to each real property
10 owner, as shown on the last assessment, whose real property is directly
11 governed by the changes.

12 (b) If the municipality issues utility bills or other mass mailings
13 that periodically include notices or other informational or advertising
14 materials, the municipality shall include notice of the changes with such
15 utility bills or other mailings.

16 (c) The municipality shall publish the changes before the first
17 hearing on such changes in a newspaper of general circulation in the
18 municipality. The changes shall be published in a "display ad" covering
19 not less than one-eighth of a full page.

20 6. If notice is provided pursuant to paragraph 5, subdivision (b)
21 or (c) of this subsection, the municipality shall also send notice by
22 first class mail to persons who register their names and addresses with
23 the municipality as being interested in receiving such notice. The
24 municipality may charge a fee not to exceed \$5 per year for providing this
25 service and may adopt procedures to implement this paragraph.

26 7. Notwithstanding the notice requirements in paragraph 4 of this
27 subsection, the failure of any person or entity to receive notice does not
28 constitute grounds for any court to invalidate the actions of a
29 municipality for which the notice was given.

30 B. If the matter to be considered applies to territory in a high
31 noise or accident potential zone as defined in section 28-8461, the notice
32 prescribed in subsection A of this section shall include a general
33 statement that the matter applies to property located in the high noise or
34 accident potential zone.

35 C. After the hearing, the planning commission or hearing officer
36 shall render a decision in the form of a written recommendation to the
37 governing body. The recommendation shall include the reasons for the
38 recommendation and be transmitted to the governing body in the form and
39 manner prescribed by the governing body.

40 D. If the planning commission or hearing officer has held a public
41 hearing, the governing body may adopt the recommendations of the planning
42 commission or hearing officer without holding a second public hearing if
43 there is no objection, request for public hearing or other protest. The
44 governing body shall hold a public hearing if requested by the party
45 aggrieved or any member of the public or of the governing body, or, in any

1 case, if a public hearing has not been held by the planning commission or
 2 hearing officer. The governing body may consider the testimony of any
 3 party aggrieved when making its decision. In municipalities with
 4 territory in the vicinity of a military airport or ancillary military
 5 facility as defined in section 28-8461, the governing body shall hold a
 6 public hearing if, after notice is transmitted to the military airport
 7 pursuant to subsection A of this section and before the public hearing,
 8 the military airport provides comments or analysis concerning the
 9 compatibility of the proposed rezoning with the high noise or accident
 10 potential generated by military airport or ancillary military facility
 11 operations that may have an adverse impact on public health and safety,
 12 and the governing body shall consider and analyze the comments or analysis
 13 before making a final determination. Notice of the time and place of the
 14 hearing shall be given in the time and manner provided for the giving of
 15 notice of the hearing by the planning commission as specified in
 16 subsection A of this section. A municipality may give additional notice
 17 of the hearing in any other manner as the municipality deems necessary or
 18 desirable. For the purposes of this subsection, "party aggrieved" means
 19 any property owner within the notification area prescribed by subsection
 20 A, paragraph 3 of this section.

21 E. A municipality may enact an ordinance authorizing county zoning
 22 to continue in effect until municipal zoning is applied to land previously
 23 zoned by the county and annexed by the municipality, but not longer than
 24 six months after the annexation.

25 F. A municipality is not required to adopt a general plan before
 26 the adoption of a zoning ordinance.

27 G. If there is no planning commission or hearing officer, the
 28 governing body of the municipality shall perform the functions assigned to
 29 the planning commission or hearing officer.

30 H. If the owners of twenty percent or more of the property by area
 31 and number of lots, tracts and condominium units within the zoning area of
 32 the affected property, **EXCLUDING GOVERNMENT OWNED PROPERTY**, file a protest
 33 in writing against a proposed amendment, the change shall not become
 34 effective except by the favorable vote of three-fourths of all members of
 35 the governing body of the municipality. If any members of the governing
 36 body are unable to vote on such a question because of a conflict of
 37 interest, then the required number of votes for passage of the question
 38 shall be three-fourths of the remaining membership of the governing body,
 39 provided that such required number of votes shall not be less than a
 40 majority of the full membership of the legally established governing body.
 41 For the purposes of this subsection, the vote shall be rounded to the
 42 nearest whole number. A protest filed pursuant to this subsection shall
 43 be signed by the property owners, **EXCLUDING GOVERNMENT OWNED PROPERTY**,
 44 opposing the proposed amendment and filed in the office of the clerk of
 45 the municipality not later than 12:00 noon one business day before the

1 date on which the governing body will vote on the proposed amendment or on
2 an earlier time and date established by the governing body.

3 I. In applying an open space element or a growth element of a
4 general plan, a parcel of land shall not be rezoned for open space,
5 recreation, conservation or agriculture unless the owner of the land
6 consents to the rezoning in writing.

7 J. Notwithstanding section 19-142, subsection B, a decision by the
8 governing body involving rezoning of land that is not owned by the
9 municipality and that changes the zoning classification of such land may
10 not be enacted as an emergency measure and the change shall not be
11 effective for at least thirty days after final approval of the change in
12 classification by the governing body.

13 K. For the purposes of this section, "zoning area" means both of
14 the following:

15 1. The area within one hundred fifty feet, including all
16 rights-of-way, of the affected property subject to the proposed amendment
17 or change.

18 2. The area of the proposed amendment or change.

19 Sec. 2. Title 9, chapter 4, article 6.1, Arizona Revised Statutes,
20 is amended by adding section 9-462.10, to read:

21 9-462.10. Residential zoning; amendment; applications;
22 deadline; extensions; applicability

23 A. ON OR BEFORE JANUARY 1, 2025, A MUNICIPALITY SHALL ADOPT AN
24 AMENDMENT TO THE MUNICIPALITY'S ZONING ORDINANCE THAT REQUIRES THE
25 MUNICIPALITY TO DETERMINE WHETHER A ZONING APPLICATION IS ADMINISTRATIVELY
26 COMPLETE WITHIN THIRTY DAYS AFTER RECEIVING THE APPLICATION. IF THE
27 MUNICIPALITY DETERMINES THAT THE APPLICATION IS NOT ADMINISTRATIVELY
28 COMPLETE, THE MUNICIPALITY SHALL FOLLOW THE PROCEDURES PRESCRIBED IN
29 SECTION 9-835, SUBSECTION E UNTIL THE APPLICATION IS ADMINISTRATIVELY
30 COMPLETE. THE MUNICIPALITY SHALL DETERMINE WHETHER A RESUBMITTED
31 APPLICATION IS ADMINISTRATIVELY COMPLETE WITHIN FIFTEEN DAYS AFTER
32 RECEIVING THE RESUBMITTED APPLICATION. AFTER DETERMINING THAT THE
33 APPLICATION IS ADMINISTRATIVELY COMPLETE, THE MUNICIPALITY SHALL APPROVE
34 OR DENY THE APPLICATION WITHIN ONE HUNDRED EIGHTY DAYS.

35 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE MUNICIPALITY
36 MAY EXTEND THE TIME FRAME TO APPROVE OR DENY THE REQUEST BEYOND ONE
37 HUNDRED EIGHTY DAYS FOR EITHER OF THE FOLLOWING REASONS:

38 1. FOR EXTENUATING CIRCUMSTANCES, THE MUNICIPALITY MAY GRANT A
39 ONETIME EXTENSION OF NOT MORE THAN THIRTY DAYS.

40 2. IF AN APPLICANT REQUESTS AN EXTENSION, THE MUNICIPALITY MAY
41 GRANT EXTENSIONS OF THIRTY DAYS FOR EACH EXTENSION GRANTED.

42 C. THIS SECTION DOES NOT APPLY TO LAND THAT IS DESIGNATED AS A
43 DISTRICT OF HISTORICAL SIGNIFICANCE PURSUANT TO SECTION 9-462.01,
44 SUBSECTION A, PARAGRAPH 10 OR AN AREA THAT IS DESIGNATED AS HISTORIC ON
45 THE NATIONAL REGISTER OF HISTORIC PLACES OR PLANNED AREA DEVELOPMENTS.

1 Sec. 3. Title 9, chapter 4, article 6.4, Arizona Revised Statutes,
2 is amended by adding section 9-469, to read:

3 9-469. Municipal housing needs assessment; annual report;
4 applicability

5 A. BEGINNING JANUARY 1, 2025 AND EVERY FIVE YEARS THEREAFTER, A
6 MUNICIPALITY SHALL PUBLISH A HOUSING NEEDS ASSESSMENT THAT INCLUDES THE
7 FOLLOWING:

8 1. THE TOTAL POPULATION GROWTH PROJECTED FOR THE SUBSEQUENT
9 FIVE-YEAR PERIOD.

10 2. THE TOTAL JOB GROWTH PROJECTED FOR THE SUBSEQUENT FIVE-YEAR
11 PERIOD.

12 3. THE TOTAL AMOUNT OF RESIDENTIALLY ZONED LAND WITH DETAIL ON LAND
13 ZONED AS SINGLE-FAMILY AND MULTIFAMILY.

14 4. THE TOTAL NEED FOR ADDITIONAL RESIDENTIAL HOUSING UNITS FOR RENT
15 AND FOR SALE IN THE MUNICIPALITY TO MEET:

16 (a) ANY DEFICIENCIES IN HOUSING THE EXISTING POPULATION.

17 (b) ANY DEFICIENCIES IN HOUSING THE EXISTING WORKFORCE.

18 (c) POPULATION GROWTH PROJECTIONS.

19 (d) JOB GROWTH PROJECTIONS.

20 (e) HOUSING NEEDS ACROSS ALL VARIOUS INCOME LEVELS.

21 B. BEGINNING JANUARY 1, 2025 AND EVERY YEAR THEREAFTER, EACH
22 MUNICIPALITY SHALL SUBMIT AN ANNUAL REPORT TO THE ARIZONA DEPARTMENT OF
23 HOUSING ACCOUNTING FOR THE TOTAL NUMBER OF PROPOSED RESIDENTIAL HOUSING
24 UNITS SUBMITTED TO THE MUNICIPALITY, THE TOTAL NUMBER OF NET NEW
25 RESIDENTIAL HOUSING UNITS SUBMITTED TO THE MUNICIPALITY AND THE TOTAL
26 NUMBER OF NEW RESIDENTIAL HOUSING UNITS THAT ARE ENTITLED, HAVE BEEN
27 PLATTED, HAVE BEEN ISSUED A BUILDING PERMIT AND HAVE RECEIVED A
28 CERTIFICATE OF OCCUPANCY BY THE MUNICIPALITY. THE ANNUAL REPORT SHALL
29 INCLUDE ALL OF THE FOLLOWING:

30 1. THE NUMBER OF HOUSING DEVELOPMENT APPLICATIONS RECEIVED IN THE
31 PRIOR YEAR.

32 2. THE NUMBER OF LOTS AND MULTIFAMILY UNITS INCLUDED IN ALL
33 DEVELOPMENT APPLICATIONS IN THE PRIOR YEAR.

34 3. THE NUMBER OF LOTS AND MULTIFAMILY UNITS APPROVED AND
35 DISAPPROVED OR OTHERWISE NOT APPROVED IN THE PRIOR YEAR.

36 4. A THRESHOLD PERCENTAGE REQUIREMENT OF MULTIFAMILY ZONED LAND
37 VERSUS SINGLE-FAMILY ZONED LAND NEEDED TO MEET POPULATION DEMAND IN EACH
38 MUNICIPALITY.

39 5. THE STATUS AND PROGRESS IN MEETING THE MUNICIPALITY'S HOUSING
40 NEEDS.

41 6. A PLAN THAT SPECIFIES HOW THE MUNICIPALITY INTENDS TO SATISFY
42 THE IDENTIFIED NEED FOR ADDITIONAL HOUSING UNITS WITHIN THE MUNICIPALITY.

43 C. A MUNICIPALITY THAT HAS CONDUCTED A HOUSING NEEDS ASSESSMENT
44 REPORT AS OF JANUARY 1, 2021 SHALL AMEND ALL EXISTING REPORTS TO INCLUDE
45 THE INFORMATION REQUIRED IN SUBSECTION A OF THIS SECTION.

1 D. THE ARIZONA DEPARTMENT OF HOUSING SHALL COMPILE THE REPORTS
2 RECEIVED PURSUANT TO SUBSECTION B OF THIS SECTION AND SUBMIT THE REPORTS
3 TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
4 OF REPRESENTATIVES.

5 E. THIS SECTION DOES NOT REQUIRE A MUNICIPALITY TO FULFILL THE
6 PROJECTIONS IN THE HOUSING NEEDS ASSESSMENT REQUIRED BY SUBSECTION A OF
7 THIS SECTION.

8 F. THIS SECTION DOES NOT APPLY TO A MUNICIPALITY THAT IS LOCATED ON
9 TRIBAL LAND OR A MUNICIPALITY WITH A POPULATION OF LESS THAN THIRTY
10 THOUSAND PERSONS.

APPROVED BY THE GOVERNOR APRIL 23, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2024.

ORDINANCE NO. 4651

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FOR THE PURPOSE OF AMENDING THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE (ORDINANCE NO. 455), NAMELY ARTICLE I, SECTION 1.206 (PROCESSING OF DEVELOPMENT APPLICATIONS) AND SECTION 1.305 (REVIEW OF APPLICATIONS); ARTICLE III, SECTION 3.100 (DEFINITIONS); ARTICLE V, SECTION 5.2102 (PLANNED COMMUNITY – P-C, GENERAL PROVISIONS) AND SECTION 5.2605 (PLANNED REGIONAL CENTER – PRC, USE REGULATIONS); ARTICLE VII (GENERAL PROVISIONS); ARTICLE XI (LAND USE TABLES); AND ANY ASSOCIATED SECTIONS, FOR THE PURPOSE OF ADDRESSING RECENT STATE OF ARIZONA LEGISLATION RELATING TO ADAPTIVE REUSE (HB2297) AND DEVELOPMENT APPLICATION DETERMINATION (SB1162) AS PROVIDED IN CASE NO. 3-TA-2024.

WHEREAS, the City wishes to amend the Zoning Ordinance of the City of Scottsdale, Ordinance No. 455, regarding certain provisions of Article I, Section 1.206 (Processing of development applications) and Section 1.305 (Review of applications), Article III, Section 3.100 (Definitions), Article V, Section 5.2102 (Planned Community – P-C, General Provisions) and Section 5.2605 (Planned Regional Center – PRC, Use Regulations), Article VII (General Provisions), and Article XI (Land Use Tables); and any associated sections, for the purposes of addressing State of Arizona legislation relating to Adaptive Reuse (HB2297) and Development Application Determination (SB1162); and

WHEREAS, the Arizona Legislature adopted House Bill (HB) 2297, which codified certain statutory provisions, including Arizona Revised Statutes (A.R.S.) § 9-462.10(A), which provides, in part, that the governing body of a city or town with a population of 150,000 or more must establish objective standards, on or before January 1, 2025, to allow “multifamily residential development” or “adaptive reuse”, as those terms are defined in the statute, on not more than ten percent (10%) of the total existing commercial, office or mixed-use buildings within its jurisdictional boundaries, subject to certain requirements and limitations; and

WHEREAS, the City Council determines that it is in the best interest of the City to authorize the conversion of one percent (1%) of the total existing commercial, office, or mixed-use buildings located within its jurisdictional boundaries as of the date of adoption of this Ordinance to a multifamily residential development land use, consistent with the requirements of A.R.S. § 9-462.10, so as to not alter the existing land use mixture adopted with Scottsdale General Plan 2035, as amended; and

WHEREAS, HB2297 codified certain other statutory provisions, including A.R.S. § 9-462.10(B), which provides, in part, that a municipality may designate not more than ten percent (10%) of existing commercial or employment hubs and other essential commercial or employment use areas where existing commercial, office, employment or mixed-use buildings are excluded from the provisions of A.R.S. § 9-462.10; and

WHEREAS, HB2297 codified certain other statutory provisions, including A.R.S. §§ 9-462.10(C) through 9-462.10(G) and associated subsections, which provides, in part, various

requirements, exceptions, and limitations relating to “multifamily residential development” or “adaptive reuse”, as those terms are defined in the statute; and

WHEREAS, on September 10, 2024, pursuant to Resolution No. 13232, the City rescinded the designation of the McDowell and Scottsdale Single Central Business District and the city now finds it necessary to update Section 5.2102 of the City’s Zoning Ordinance for the purposes of maintaining the Planned Community (P-C) District size requirements; and

WHEREAS, the Arizona Legislature adopted Senate Bill (SB) 1162, which codified certain statutory provisions, including A.R.S. § 9-462.10 (renumbered as A.R.S. § 9-462.11), which provides, in part, that cities and towns must adopt zoning code amendments related to the approval of zoning applications on or before January 1, 2025; and

WHEREAS, this Ordinance is being adopted by the City Council to comply with the new statutory requirements and regulations established pursuant to HB2297 and SB1162; and

WHEREAS, the City Council has considered the probable impact of this Ordinance on the cost to construct housing for sale or rent; and

WHEREAS, the Planning Commission held a public hearing on October 23, 2024 and considered a proposed text amendment to the Zoning Ordinance of the City of Scottsdale in Case No. 3-TA-2024; and

WHEREAS, the City Council has determined that the proposed amendment to the Zoning Ordinance of the City of Scottsdale is in conformance with the General Plan, as amended.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the Zoning Ordinance of the City of Scottsdale, Ordinance No. 455, is hereby amended as specified in that certain document entitled “Adaptive Reuse & Development Application Determination Text Amendment – 3-TA-2024,” declared to be a public record by Resolution No. 13253 of the City of Scottsdale and hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 2. Pursuant to A.R.S. § 9-462.10(B), the City hereby adopts that certain document entitled “Scottsdale Commercial and Employment Hubs and Essential Areas Table,” declared to be a public record by Resolution No. 13254 of the City of Scottsdale, as may be amended from time to time in order to comply with applicable state laws, and hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance, and on file with the Planning Department, which identifies those existing commercial or employment hubs and other essential commercial or employment use areas where existing commercial, office, employment or mixed-use buildings are excluded from, and not eligible for, Multifamily Conversion development pursuant to this Ordinance.

Section 3. Pursuant to Arizona Revised Statutes § 9-462.10(B), the City adopts that certain document entitled “Scottsdale Total Allocated Multifamily Conversion Development

Projects Allotment," declared to be a public record by Resolution No. 13254 of the City of Scottsdale, as may be amended from time to time in order to comply with applicable state laws, and hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance, and on file with the Planning Department, which provides the maximum allotment of existing commercial, office, or mixed-use buildings in the city that may be converted to the Multifamily Conversion land use pursuant to this Ordinance.

Section 4. That the City's Zoning Administrator or designee shall keep record of the number of buildings and building area converted to the Multifamily Conversion land use pursuant to this Ordinance and shall no longer accept a development application for a Multifamily Conversion development when the "Scottsdale Total Allocated Multifamily Conversion Development Project Allotment" is fulfilled, and such fulfillment shall be determined by:

1. The number of buildings and/or building area redeveloped for Multifamily Conversion pursuant to this Ordinance; in cumulative with
2. The number of buildings and/or building area with approved building permits, but not yet constructed, for Multifamily Conversion pursuant Ordinance; in cumulative with
3. The number of buildings and/or building area with submitted construction documents, but not yet permitted, for Multifamily Conversion pursuant to this Ordinance.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or any part of the Scottsdale Revised Code adopted herein, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____, 2024.

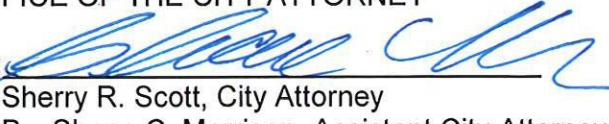
ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Ben Lane
City Clerk

By: _____
David D. Ortega
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 
Sherry R. Scott, City Attorney
By: Shane C. Morrison, Assistant City Attorney

RESOLUTION NO. 13253

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "ADAPTIVE REUSE & DEVELOPMENT APPLICATION DETERMINATION TEXT AMENDMENT – 3-TA-2024".

WHEREAS, State Law permits cities to declare documents a public record for the purpose of incorporation into city ordinances; and

WHEREAS, the City wishes to incorporate by reference amendments to the Zoning Ordinance of the City of Scottsdale, Ordinance No. 455, by first declaring said amendments to be a public record.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That certain document entitled "Adaptive Reuse & Development Application Determination Text Amendment – 3-TA-2024", attached to this Resolution as Exhibit A, a paper and an electronic copy of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____, 2024.


ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Ben Lane, City Clerk

By: _____
David D. Ortega, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


Sherry R. Scott, City Attorney
By: Shane C. Morrison, Assistant City Attorney

ADAPTIVE REUSE & DEVELOPMENT APPLICATION DETERMINATION
TEXT AMENDMENT
3-TA-2024

Section 1. That the Zoning Ordinance of the City of Scottsdale, ARTICLE I. – ADMINISTRATION AND PROCEDURES, Section 1.206. and Section 1.305. are amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 1.206. Processing of development applications.

- A. The Zoning Administrator shall process the following development applications: General Plan amendments, Zoning Ordinance text amendments, zoning district map amendments, conditional use permits, municipal use master site plan approvals, abandonments, development review, variances, conditional use permit revocations, multifamily conversion developments, and subdivision plats.
- B. The Historic Preservation Officer shall process the following development applications: Historic Property (HP) District designation, Certificates of No Effect, Certificates of Appropriateness, Certificates of Demolition Approval, and Certificates of Economic Hardship relating to development of historic and/or archaeological resources.

* * *

Sec. 1.305. Review of Development Applications.

- A. ~~Review for Administrative Completeness~~ *Review of Development Applications.* After the filing of a development application the Zoning Administrator shall review the application for completeness, and in the case of a complete application (other than an application for a conditional use permit for an adult use, which is governed by Section 1.403.A), shall forward the application to the secretary of the appropriate board or commission within twenty-one (21) days of the application submittal date.

If the applicant is required by this article to provide a public safety plan, lighting plan, exterior refuse control plan, or other plan subject to approval, the Zoning Administrator shall forward the plan to the reviewing department. The department shall complete its review of the plan and inform the Zoning Administrator and the applicant in writing whether the plan has been approved, and if not, of the steps necessary to correct any deficiencies.

- 1. *Initial administrative completeness review of development applications.* After the filing of a development application, the Zoning Administrator or designee shall review the application for completeness and notify the applicant of whether the application has been determined to be administratively complete or administratively incomplete within thirty (30) days of application submittal. This review time frame does not apply to a development application for a conditional use permit for an adult use, which is governed by Section 1.403.A.
- 2. *Incomplete development applications.* If the Zoning Administrator or designee determines that the development application is administratively incomplete, the Zoning

Administrator or designee shall, within thirty (30) days of the development application submittal date, convey a comprehensive list of specific deficiencies to the applicant in a written or electronic notice. The written or electronic notice shall not serve as verification of accuracy of the information submitted. The administrative completeness review time frame and the overall time frames as published by the city shall be suspended upon conveyance of the comprehensive list of specific deficiencies to the applicant in a written or electronic notice until such date that the city receives the necessary information from the applicant to satisfy the deficiencies of the application.

3. *Second and subsequent administrative completeness reviews.* The Zoning Administrator or designee shall review any second or subsequent development application submittals for administrative completeness within fifteen (15) days of the second or subsequent development application submittals. The Zoning Administrator or designee may issue an additional written or electronic notice of administrative completeness or deficiencies based upon the applicant's submission of necessary information.

If after the Zoning Administrator or designee has conveyed a comprehensive list of specific deficiencies to the applicant in a written or electronic notice, and the applicant has not supplied the documentation or information requested, or an explanation of why the information cannot be provided, within six (6) months of said written or electronic notice, the development application may be considered withdrawn, and any subsequent resubmittal shall be treated as a new development application that will be subject to new review time frames.

- B. ~~*Incomplete applications. Substantive Review of Development Applications.*~~ If the Zoning Administrator determines the application is incomplete, the Zoning Administrator shall, within twenty-two (22) days of the application submittal date, convey to the applicant a written statement of the reasons therefor. The written statement shall not serve as verification of accuracy or completeness of the information submitted. The Zoning Administrator shall process any resubmitted application as a new application. If the Zoning Administrator has not forwarded a complete application to the secretary of the appropriate board or commission within six (6) months of the application submittal date, then the application may be considered withdrawn.

1. *Substantive review of development applications.* If the Zoning Administrator or designee has determined a development application to be administratively complete, the Zoning Administrator or designee shall complete a substantive review of the development application.

If the applicant is required by this section to provide any other necessary information subject to approval by another reviewing department, the Zoning Administrator or designee shall forward the necessary information to the reviewing department. The reviewing department shall complete its assessment of the necessary information and inform the Zoning Administrator or designee and the applicant in writing whether the necessary information is accepted, and if not, of the steps necessary to correct any deficiencies.

- a. *Review time frame for Zoning District Map Amendments.* For purposes of Zoning District Map Amendment development applications only, the substantive review of

a development application shall not exceed one hundred eighty (180) days. During the substantive review process, the applicant may make a written or electronic request to extend the substantive review time frame and overall time frame by thirty (30) days for each request. During the substantive review process, the city may employ a onetime extension of the substantive review time frame to review a Zoning District Map Amendment development application by thirty (30) days.

- b. *Review time frame for all other development application types.* For all other development applications, substantive review time frames shall follow those time frames published by the City to meet state statutes. During the substantive review process, the applicant may request an extension of the substantive review time frame and overall time frame by written or electronic request.

- 2. *Request for corrections.* During the substantive review time frame, the Zoning Administrator or designee may issue a comprehensive written or electronic request for corrections. If an initial comprehensive written or electronic request for corrections or supplemental requests for corrections are issued, the substantive review time frame and overall time frames shall be suspended from the date the request for corrections is issued until the date that the city receives the applicant's submission of corrections that satisfy the request for corrections.

If after the Zoning Administrator or designee has conveyed a comprehensive written or electronic request for corrections, and the applicant has not supplied the documentation or information requested, or an explanation of why the information cannot be provided, within six (6) months of said written or electronic request for corrections, then the development application may be considered withdrawn, and any subsequent resubmittal shall be treated as a new development application that will be subject to new review time frames.

C. *Citizen Review Process:*

- 1. *Purpose.* The purpose of the Citizen Review Process is to:
 - a. Provide citizens and property owners sufficient time to learn the substance of zoning district map amendments and Zoning Ordinance text amendments that may affect them, and
 - b. Enhance communications with citizens regarding zoning district map amendments and Zoning Ordinance text amendments to promote early and effective citizen participation, and to identify and address issues at an early stage in the process.
- 2. *Citizen review plan and report.* Applications for zoning district map amendments and for Zoning Ordinance text amendments shall include a Citizen Review Process comprised of a citizen review plan and a citizen review report.
 - a. *Citizen review plan.* A citizen review plan shall be submitted with the application and implemented prior to the notice of the first public hearing. At a minimum, the citizen review plan must include the following:
 - i. The means by which adjacent property owners and other potentially affected citizens will receive early notification by the applicant of the substance of the request in order to promote early citizen involvement. The applicant's

notification shall be prior to any notification made by the city required by Sections 1.605 and 1.702.

- ii. The early notification by the applicant shall also identify the method by which adjacent property owners and other potentially affected citizens will be provided an opportunity to express any issues or concerns prior to the notice of the first public hearing.
- iii. The means by which the school district will be notified if the zoning district map amendment application changes zoning classification(s) from a non-residential zoning classification to a residential zoning classification, and/or changes in residential zoning classification(s), and/or amends the stipulations that results in greater residential densities, thereby increasing the number of potential students.
 - (1) The property owner shall deliver a letter by registered mail to the superintendent(s) of all applicable school districts at least 30 days prior to filing an application.
 - (2) The letter shall provide specifics of the proposed zoning district map amendment, including the projected number of new residential units proposed within the development project, and the resulting projected number of new students. The projected number of new students shall be based upon a student-per-household ratio methodology approved and published by the appropriate school district(s). If a school district fails to establish a student-per-household ratio methodology for projecting the number of new students resulting from a rezoning application, then an estimate may be derived based upon an authoritative source using the most recent published census information.
 - (3) The property owner shall include as part of the rezoning application a copy of the letter delivered to the school district(s).
 - (4) School district input thereafter may be sought by the city or the property owner on the issue for consideration by the Planning Commission and/or City Council in making a decision on the rezoning application.
- iv. Additional information as required on a checklist for the Citizen Review Process.
- v. The applicant shall be responsible for notifying parties identified in the citizen review plan of any substantial modification to their proposal prior to the notice of the first public hearing. The means of notification of the modification shall be identified in the citizen review report described below.
- b. *Citizen review report.* The applicant shall also provide to the Zoning Administrator a written report of the results of their citizen review effort prior to notice of the first public hearing. This report on the applicant's citizen review effort shall be included with the public hearing report. The means of notifying citizens identified in the case of a modification shall be identified in the citizen review report. If the citizen review report has been submitted and any additional modifications occur, the applicant shall submit an addendum to the citizen review report. The addendum shall

describe the citizen involvement process which provided citizens the opportunity to review and comment on the modification.

- c. *Incomplete citizen review plan and/or report.* If the citizen review plan and/or report does not meet the requirements of Section 1.305.C., the application for the zoning district map amendment or Zoning Ordinance text amendment shall be considered incomplete and shall not be scheduled for public hearing.

Section 2. That the Zoning Ordinance of the City of Scottsdale, ARTICLE III. – DEFINITIONS, Section 3.100. is amended to create several new definitions as follows with all new language depicted in grey shading:

Building code shall mean the construction codes adopted by the City of Scottsdale including, but not limited to, plumbing codes, mechanical codes, electrical codes, residential construction codes, fire codes, energy conservation codes, existing building construction codes, green building codes, property maintenance codes, neighborhood preservation codes, anti-blight codes, or other similar codes, however denominated.

* * *

Economically or functionally obsolete shall mean an existing commercial, mixed-use, or office building that is in a state of disrepair or has a fifty percent (50%) or greater vacancy in the total leasable square footage of the building.

* * *

Low-income housing shall mean housing:

- A. For a person or persons whose household income does not exceed eighty percent (80%) of the area median income.
- B. For which the occupant pays not more than thirty percent (30%) of the occupant's gross income for the occupant's rent or mortgage, as determined by the Arizona Department of Housing and adjusted for household size based on the United States Department of Housing and Urban Development.

* * *

Moderate-income housing shall mean housing:

- A. For a person or persons whose household income does not exceed one hundred twenty percent (120%) of the area median income.

- B. For which the occupant pays not more than thirty percent (30%) of the occupant's gross income for the occupant's rent or mortgage, as determined by the Arizona Department of Housing and adjusted for household size based on the United States Department of Housing and Urban Development.

* * *

Multifamily Conversion shall mean the conversion of an existing, qualified building or buildings from the existing commercial, mixed, or office uses for which it was constructed to a building or buildings that are designed and used for residential purposes and that contain more than one (1) dwelling unit.

Section 3. That the Zoning Ordinance of the City of Scottsdale, ARTICLE V. – DISTRICT REGULATIONS, Sections 5.2102. and 5.2605. are amended as follows with all new language depicted in grey shading and deleted language in strike-through:

Sec. 5.2100. Planned Community (P-C).

Sec. 5.2102. General provisions.

- A. *Qualifications.* P-C districts may be established on parcels of land which, because of their unified ownership or control, size, topography, proximity to large public facilities, or exceptional or unusual locational advantages, are suitable for planned development in a manner consistent with the purposes of this section.
- B. *Minimum district size.*
1. Minimum parcel size for any P-C District established within the boundaries of the McDowell Road/Scottsdale Road Growth Area ~~single Central Business District as~~ designated by the Scottsdale General Plan; ~~City Council in Resolution No. 8356;~~ ten (10) acres of gross lot area of all lots shown on the Development Plan.
 2. Minimum parcel size for any P-C District established outside the boundaries of the McDowell Road/Scottsdale Road Growth Area ~~single Central Business District as~~ designated by the Scottsdale General Plan; ~~City Council in Resolution No. 8356;~~ one hundred sixty (160) acres of gross lot area of all lots shown on the Development Plan.
- C. *Property development standards.* All land uses in a P-C district shall conform to the property development standards of the comparable zoning district. Modification of the comparable district's standards may be allowed as provided in the modification procedure below. The Zoning Administrator shall determine, primarily on the basis of proposed use and density, which of the districts of this Zoning Ordinance is most closely comparable to the proposed development.

Property development standards modification procedure. Application shall be made and the procedure followed as provided in Section 1.300. Development Applications; with the addition that an application for proposed amendments to development standards in a

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~~designated redevelopment area~~ within the boundaries of the McDowell Road/Scottsdale Road Growth Area shall first be heard by the Development Review Board, Section 1.900. The application shall be accompanied by written terminology, graphic material, and will illustrate the conditions that the modified standards will produce, so as to enable the Planning Commission and the City Council to make the determination that the modification will produce a living environment, landscape quality and life-style superior to that produced by existing standards.

- D. All provisions of this Zoning Ordinance shall apply to development in the P-C district except as allowed in the immediately preceding paragraph C.

* * *

Sec. 5.2600. Planned Regional Center (PRC).

Sec. 5.2605. Use regulations.

- A. ~~The uses allowed in the PRC District are shown in Table 5.2605.A. with additional limitations on uses as listed.~~ *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:
1. Any use shown as permitted in Table 5.2605.A., subject to the limitations as listed.
- B. ~~Drive-through and drive-in services are not permitted in the Downtown Area.~~ *Uses permitted by conditional use permit.*
1. Any use shown as permitted by conditional use permit in Table 5.2605.A., subject to the limitations as listed.
- C. Drive-through and drive-in services are not permitted in the Old Town Area.

Table 5.2605.A. Use Table

Land Uses	Permitted (P) or Conditional Use CU)
1. Aquarium, indoor	CU
2. Bar	CU
3. Big box	P (1), CU (1)
4. Carwash	CU
5. Civic and social organization	P (2)
6. Community buildings and recreational facilities not publicly owned	CU
7. Courier and messenger	P
8. Cultural institution	P (2)
9. Day care center	P (2)
10. Dwelling	P (2)
11. Educational service, elementary and secondary school	P (2) (3)

12. Educational service other than elementary and secondary school	P
13. Financial institution, including drive-through and drive-in service	P
14. Furniture and home furnishings sales	P
15. Game center	P
16. Gas station	CU
17. Health and fitness studio	P
18. Live entertainment	CU
19. Municipal use Multifamily Conversion	P (2) (7)
20. Multimedia production without communication tower	P
21. Multimedia production with communication tower	CU
22. Municipal use	P
22.23. Office	P
23.24. Personal care service	P
24.25. Place of worship	P (2)
25.26. Planetarium	CU
26.27. Plant nursery	P
27.28. Pool hall	P
28.29. Repair and maintenance	P
29.30. Residential health care facility	P (2) (4)
30.31. Restaurant, including drive-through and drive-in	P
31.32. Retail	P
32.33. Seasonal art festival	CU
33.34. Teen dance center	CU
34.35. Theater	P
35.36. Travel accommodations	P (2)
36.37. Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building	P (5)
37.38. Vehicle leasing, rental or sales with outdoor vehicle display and storage	CU
38.39. Vehicle repair	CU
39.40. Veterinary and pet care service	P (6)
40.41. Wireless communications facilities; Types 1, 2, and 3	P
41.42. Wireless communications facilities; Type 4	CU

Use Limitations:

- (1) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a Conditional Use Permit if:
 - a. Primary access is from a local residential street, or
 - b. Residential property is located within one thousand three hundred (1,300) feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.

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- (2) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.
- (3) Educational services, elementary and secondary school, are subject to the following standards:
 - a. The facility shall be located not less than five hundred (500) feet from any adult use.
 - b. The net lot area for the facility shall be a minimum of forty-three thousand (43,000) square feet.
 - c. The facility shall not have outdoor speaker systems or bells.
 - d. A maximum of one-third ($\frac{1}{3}$) of the required parking may be shared parking with other uses located within six hundred (600) feet of the building front entrance.
 - e. Outdoor playgrounds and recreation areas shall be:
 - i. Located not less than fifty (50) feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;
 - ii. Located within the rear or side yard; and
 - iii. Enclosed and screened by a six-foot tall wall or fence.
 - f. A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.
 - g. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.
 - h. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
 - i. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC).
- (4) Residential health care facilities.
 - a. Specialized residential health care facilities.
 - i. The number of beds shall not exceed eighty (80) per acre of gross lot area of the Development Plan.
 - b. Minimal residential health care facilities.
 - i. The number of units shall not exceed forty (40) dwelling units per acre of gross lot area of the Development Plan.

- (5) Vehicle leasing, rental or sales.
 - a. Required parking shall not be used for vehicle storage.
- (6) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:
 - a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.
 - b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.
 - c. The outdoor areas are set back at least one hundred (100) feet from any lot line adjacent to a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.
 - d. There is no outdoor kennel boarding.
- (7) Multifamily Conversion permitted subject to the requirements of Sec. 7.1300.

Section 4. That the Zoning Ordinance of the City of Scottsdale, ARTICLE VII. – GENERAL PROVISIONS is amended to create Section 7.1300 through Section 7.1304. as follows with all new language depicted in grey shading:

Sec. 7.1300. Multifamily Conversion developments.

Sec. 7.1301. Purpose.

- A. These provisions describe the qualifications, application requirements, and property development standards for a development application for a Multifamily Conversion development. The qualifications, requirements, and regulations in these provisions are in addition to the other codes and requirements of the City of Scottsdale.

Sec. 7.1302. Qualifications.

- A. A Multifamily Conversion development shall only be established upon all of the following requirements being met:
 - 1. *Location.*
 - a. The Multifamily Conversion development shall be located on a parcel or parcels that have an existing commercial, mixed-use, or office building or buildings and that have received a Certificate of Occupancy on or before December 31, 2024, and

- b. The Multifamily Conversion development shall be located on a parcel or parcels that are a minimum of one (1) net acre in size, but not more than twenty (20) net acres in size, and
- c. The Multifamily Conversion development shall not be located in any of the following areas:
 - i. An area designated as a Commercial or Employment Hub or Essential Commercial or Employment Use Area on the Scottsdale Commercial and Employment Hubs and Essential Areas Table on file with the Planning Department, or
 - ii. An area designated as a district of historical significance pursuant to A.R.S. § 9-462.01.A.10., or
 - iii. An area designated as historic by the City of Scottsdale or on the national register of historic places, or
 - iv. Land, which by whole or part, is located in the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461, or
 - v. Land, which by whole or part, is located in the territory in the vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in A.R.S. § 28-8486.

2. *Water and sewer infrastructure.*

- a. The Multifamily Conversion development shall demonstrate adequate public water and sewer infrastructure service for the entire proposed development, as administered by the City of Scottsdale.

3. *Building and fire codes.*

- a. The Multifamily Conversion development shall demonstrate compliance with all applicable building code and fire code requirements, as adopted by the City of Scottsdale.

4. *Economically or functionally obsolete buildings.*

- a. The Multifamily Conversion development shall demonstrate that the existing building or buildings located on the parcel or parcels of the development have been economically or functionally obsolete for at least six (6) continuous months, to the satisfaction of the Zoning Administrator or designee.

5. *Moderate-income housing or low-income housing.*

- a. The Multifamily Conversion development project shall allocate a minimum of ten (10) percent of the total dwelling units of the Multifamily Conversion development as either moderate-income housing or low-income housing, or any combination thereof, for at least twenty (20) years after the initial occupation of the proposed development project, in a form satisfactory to the City Attorney or designee.

6. *Maximum building area.*

- a. The Multifamily Conversion development shall have a total gross floor area that, cumulatively with any existing and approved Multifamily Conversion development,

does not exceed the Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment on file with the Planning Department, and as administered by the Zoning Administrator or designee. Fulfillment of the Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment shall be determined by:

- i. The number buildings and/or building area redeveloped for Multifamily Conversion under this Ordinance; in cumulative with
- ii. The number of buildings and/or building area with approved building permits for Multifamily Conversion under this Ordinance but not yet completed; in cumulative with
- iii. The number of buildings and/or building area with submitted construction documents for development of a Multifamily Conversion under this Ordinance but not yet permitted.

Sec. 7.1303. Application requirements.

- A. Prior to issuance of any permit for a Multifamily Conversion, the property owner shall submit for review of a development application, subject to the requirements of Sec. 1.300. The Zoning Administrator or designee shall review a development application for a qualified Multifamily Conversion development. The Zoning Administrator or designee shall have the authority to approve, approve with stipulations, or deny a development application for a qualified Multifamily Conversion development and the decision shall not be appealable. The property owner must receive approval of the development application before any permit for a Multifamily Conversion development will be issued.
- B. In addition to the standard requirements of a development application, any development application for a Multifamily Conversion development shall demonstrate the following application requirements, to the satisfaction of the Zoning Administrator or designee:
 1. A site plan in conformance with City of Scottsdale rules, regulations, and guidelines for development. The site plan shall also demonstrate, amongst other requirements, that the proposed development is located on a parcel or parcels that are a minimum of one (1) net acre in size, but not more than twenty (20) net acres in size, and that the Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment has not, or will not be, exceeded by the proposed development.
 2. A site plan review and approval by all applicable utility providers impacted by the proposed development.
 3. Adequate existing public water supply and service, and sewer capacity and service for the entire proposed development, as administered by the City of Scottsdale.
 4. Compliance with all applicable building code and fire code requirements, as adopted by the City of Scottsdale.
 5. That the proposed Multifamily Conversion development is located on a parcel or parcels that have an existing commercial, mixed-use, or office building or buildings that received a Certificate of Occupancy on or before December 31, 2024.

6. That the existing building or buildings located on the parcel or parcels of the proposed Multifamily Conversion development have been economically or functionally obsolete for at least six (6) continuous months.
7. That the proposed Multifamily Conversion development will allocate a minimum of ten (10) percent of the total dwelling units of the Multifamily Conversion development as either moderate-income housing or low-income housing, or any combination thereof, for at least twenty (20) years after the initial occupation of the proposed development, in a form satisfactory to the Zoning Administrator and City Attorney or designees. The final form of documentation of this requirement shall be recorded by the City prior to issuance of any building permit.

Sec. 7.1304. Property Development Standards.

- A. A Multifamily Conversion development shall be subject to the property development standards of the zoning district for which the proposed development is located within, except as modified by this section. If there is a conflict between the property development standards of the underlying zoning district and the property development standards outlined in this section, the property development standards of this section shall control.

1. *Density.*

- a. Multifamily Conversion.

- i. The maximum multifamily residential density for a Multifamily Conversion development shall be equal to the highest allowable multifamily residential density of a multifamily residential zoning district shown in Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to a multifamily residential district shown in Table 4.100.A., within one (1) mile of the subject Multifamily Conversion development. If there is no multifamily residential zoning district within one (1) mile of the subject Multifamily Conversion development, the maximum multifamily residential density for the subject Multifamily Conversion development shall be equivalent to the next closest multifamily residential zoning district as listed in Table 4.100.A. (Two-Family Residential (R-2) zoning district).
 - ii. A Multifamily Conversion development constructed pursuant to the provisions of this section does not qualify as being within one (1) mile of a subsequent Multifamily Conversion development, or as the next closest multifamily residential district.

2. *Building height.*

- a. Multifamily Conversion.

- i. The maximum building height for a Multifamily Conversion development located within one hundred (100) feet of a Single-family Residential District shall not exceed the lesser of two stories or thirty (30) feet (inclusive of rooftop appurtenances). This building height limitation applies to all buildings of the Multifamily Conversion development.

- ii. The maximum building height for a Multifamily Conversion development that is not located within one hundred (100) feet of a Single-family Residential District shall not exceed the lesser of five (5) stories or sixty (60) feet, or the highest allowable multifamily residential building height (exclusive of rooftop appurtenances) for a multifamily residential zoning district shown in Table 4.100.A., or the portion of a Planned Community (P-C) with an underlying zoning district comparable to a multifamily residential district shown in Table 4.100.A., within one (1) mile of the subject Multifamily Conversion development. If there is no multifamily residential zoning district within one (1) mile of the subject Multifamily Conversion development, the maximum building height for the subject Multifamily Conversion development shall be equivalent to the next closest multifamily residential zoning district as listed in Table 4.100.A. (Townhouse Residential (R-4) zoning district).
- iii. Any Multifamily Conversion development constructed pursuant to the provisions of this section does not qualify as being within one (1) mile of a subsequent Multifamily Conversion development, or as the next closest multifamily residential district.

3. *Building setbacks.*

a. Multifamily Conversion.

- i. The minimum building setback for a Multifamily Conversion development shall be equivalent to the building setback requirements of the Townhouse Residential (R-4) zoning district.

4. *Private outdoor living space.*

a. Multifamily Conversion.

- i. All dwelling units shall include private outdoor living space located directly adjacent to the dwelling unit.
- ii. Each private outdoor living space shall be at least six (6) feet deep and sixty (60) square feet in area.

Section 5. That the Zoning Ordinance of the City of Scottsdale, ARTICLE XI. – LAND USE TABLES is amended as follows with all new language depicted in grey shading and deleted language in strike-through:

ARTICLE XI. LAND USE TABLES

Sec. 11.100. Reserved.

Sec. 11.200. Commercial, Industrial, and Parking Land Uses Table

Sec. 11.201. Use regulations.

- A. *Permitted uses.* The uses allowed in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed. Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for uses noted.
- B. *Uses permitted by conditional use permit.* The uses allowed by conditional use permit in certain zoning districts are shown in Table 11.201.A., subject to the limitations as listed, and any additional conditional use permit criteria.
- C. Drive-through and drive-in services are not permitted in the Downtown Area.
- D. Drive-through and drive-in services are not permitted in the Service Residential (S-R) zoning district.

Table 11.201.A. Land Use Table

(Note – Land Use Table begins on next page)

LAND USES	ZONING DISTRICTS - Permitted (P) or Conditional Use (CU)														
	S-R	C-S	C-1	C-2	C-3	C-4	S-S	C-O	PNC	PCC	PCoC	I-1	I-G	P-1	P-2
Adult uses				CU	CU										
Aeronautical use, except off-airport heliport or helipad												P ¹³			
Amusement and theme parks					CU	CU									
Animal and veterinary hospital								P ⁴							
Appliance sales						P									
Arts and craft production						P							P		
Auction sales					P							CU			
Bar		CU		CU	CU					CU					
Big box		P/CU ⁵		P/CU ⁵	P/CU ⁵	P/CU ⁵				P/CU ⁵					
Bowling alley		P		P	P										
Building material and garden sales						P ¹²	P ¹²								
Bus station, excluding overnight parking and storage of buses				CU	CU										
Carports															P
Carwash		CU	CU	CU	CU	CU			CU	CU	CU				
Civic and social organization				P ¹	P ¹			P ¹		P ¹					
Community buildings and recreational facilities not publicly owned			CU		CU				CU	CU					
Courier and messenger			P	P	P			P	P	P	P	P	P		
Cultural institution				P ¹	P ¹			P ¹		P ¹					
Data processing, hosting and related service												P	P		
Day care center with drop off or outdoor play area farther than 100 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		
Day care center with drop off or outdoor play area within 100 feet of a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹			CU ¹	CU ¹	CU ¹	CU ¹	CU ¹	CU ¹		
Dwelling	P ¹		P ^{1,10}	P ^{1,10}					P ^{1,10}	P ^{1,10}	P ^{1,10}				

LAND USES	ZONING DISTRICTS - Permitted (P) or Conditional Use (CU)														
	S-R	C-S	C-1	C-2	C-3	C-4	S-S	C-O	PNC	PCC	PCoC	I-1	I-G	P-1	P-2
Educational service, elementary and secondary school	P ^{1,2}	P ^{1,2}	P ^{1,2}	P ^{1,2}	P ^{1,2}	P ^{1,2}		P ^{1,2}	P ^{1,2}	P ^{1,2}		CU ^{1,2}	CU ^{1,2}		
Educational service, other than elementary and secondary school	P		P	P	P	P		P	P	P	P	P	P		
Electronic shopping and mail-order service												P	P		
Equipment storage												P			
Equipment sales, rental, and storage					CU	P	P								
Farm supply sales						P									
Financial institution	P	P	P	P	P			P	P	P		P/CU ^{6,14}			
Funeral home and funeral services				CU	CU			CU							
Furniture and home furnishing sales		P	P	P	P	P			P	P		P			
Game center		CU		CU	CU				CU						
Gas station		CU	CU	CU	CU	CU			CU	CU	CU				
General and specialty trade contractors						P	P								
Gun shop				P	P										
Health and fitness studio			P	P	P			P	P	P		P	P		
Hospital								CU ¹							
Industrial launderer												P			
Internalized community storage			P	P	P	P			P	P		P			
Light manufacturing						P						P	P		
Live entertainment		CU	CU	CU	CU				CU	CU					
Medical and diagnostics laboratory	P	P		P	P			P		P		P	P		
Medical marijuana caregiver cultivation												CU			
Medical marijuana use												CU			
Medical marijuana use, excluding medical marijuana cultivation								CU							
Miniature golf course					CU										
Multifamily Conversion	P ^{1,16}	P ^{1,16}	P ^{1,16}	P ^{1,16}	P ^{1,16}	P ^{1,16}	P ^{1,16}	P ^{1,16}	P ^{1,16}	P ^{1,16}	P ^{1,16}				
Multimedia production with communication tower equal to or less than 100 feet in height						P						P			
Multimedia production with communication tower over 100 feet in height						CU						CU			
Multimedia production without communication tower			P	P	P	P		P	P	P		P	P		
Municipal use	P	P	P	P	P	P	P	P	P	P	P	P	P		
Off-airport heliport or helipad												CU			

LAND USES	ZONING DISTRICTS - Permitted (P) or Conditional Use (CU)														
	S-R	C-S	C-1	C-2	C-3	C-4	S-S	C-O	PNC	PCC	PCoC	I-1	I-G	P-1	P-2
Office	P	P	P	P	P			P	P	P	P	P	P		
Outdoor sales display area					CU	CU									
Parking structures															P
Pawnshop				P	P										
Permitted uses of Downtown Overlay (DO), Central Business (C-2), or Highway Commercial (C-3) zoning districts, in a building above ground-level parking															P
Personal care service		P	P	P	P				P	P	P	P ¹⁴			
Place of worship	P ^{1,3}	P ¹	P ¹	P ¹	P ¹			P ¹	P ¹	P ¹		P ¹	P ¹		
Plant nursery		P	P	P	P										
Pool hall				CU	CU										
Public utility buildings, structures or appurtenances thereto for public service uses			CU							CU					
Recyclable material collection center						P								CU	
Refuse enclosures															P
Repair and maintenance					P	P									
Residential health care facility			P ^{1,9}	P ^{1,9}	P ^{1,9}			P ^{1,9}	P ^{1,9}	P ^{1,9}					
Restaurant, excluding drive-through restaurant and excluding drive-in restaurant		P	P	P	P				P	P	P	P			
Restaurant, including drive-through restaurant but excluding drive-in restaurant		P	P	P					P	P					
Restaurant, including drive-through restaurant and including drive-in restaurant		CU			P							CU ¹⁴			
Restoration service												P			
Retail		P	P	P	P				P	P	P				
Scenic and sightseeing transportation												P			
Scientific research and development						P		CU				P	P		
Seasonal art festival				CU	CU	CU				CU					
Sports arena					CU ¹										
Storage buildings															P ¹⁵
Surface parking lots														P	P
Swimming pool sales, including display pools only and including construction equipment storage yard						P									

LAND USES	ZONING DISTRICTS - Permitted (P) or Conditional Use (CU)														
	S-R	C-S	C-1	C-2	C-3	C-4	S-S	C-O	PNC	PCC	PCoC	I-1	I-G	P-1	P-2
Swimming pool sales, including display pools only, but excluding construction equipment storage yard					P	P									
Taxi and limousine service												P			
Teen dance center				CU	CU										
Theater		P ¹		P ¹	P ¹				P ¹	P ¹					
Towing service						CU	CU								
Travel accommodation				P ¹	P ¹					P ¹					
Utility service yard						P	P					CU			
Vehicle emissions testing facility						P						P			
Vehicle leasing, rental or sales with indoor or outdoor vehicle display and storage				CU		P				CU					
Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building		P ⁷			P ⁷	P ⁷				CU ⁷					
Vehicle leasing, rental or sales with outdoor vehicle display and storage located more than 150 feet from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits		P			P										
Vehicle leasing, rental or sales with outdoor vehicle display and storage located 150 feet or less from a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits		CU			CU										
Vehicle repair				CU		P ⁸				CU					

[illegible]

Use Limitations:

- (1) Uses are allowed except in the AC-3 area as described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended.
- (2) Educational services, elementary and secondary school, are subject to the following standards:
 - a. The facility shall be located not less than five hundred (500) feet from any adult use, except for a facility located within the S-R zoning district, which shall be located not less than 1,320 feet from any adult use.
 - b. Net lot area. Minimum: 43,000 square feet.
 - c. The facility shall not have outdoor speaker systems or bells.
 - d. Outdoor playgrounds and recreation areas shall be:
 - i. Located not less than 50 feet from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A;
 - ii. Located within the rear or side yard; and
 - iii. Enclosed and screened by a six-foot wall or fence.
 - e. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.
 - f. A minimum twenty-four (24) foot setback shall be provided and maintained where parking is adjacent to a residential district.
 - g. A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the facility. This area shall not include internal site traffic aisles, parking spaces, or fire lanes.
 - h. Public trails or pedestrian connections shall link to the front door of the main building, subject to Development Review Board approval.
 - i. The circulation plan shall show minimal conflicts among the student drop-off area, any vehicle drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
 - j. Facilities located in the AC-2 area, described in the City's procedures for development near the Scottsdale Airport and Chapter 5 of the Scottsdale Revised Code, as amended, shall be constructed with sound transmission requirements of the International Building Code (IBC). In the I-1 and I-G zoning districts, facilities shall be constructed with sound attenuation measures to reduce outdoor to indoor noise by a minimum of twenty-five (25) decibels. Compliance with the noise attenuation measures set forth in Appendix F to FAA Part 150 Noise Compatibility Study Section 4.00 is deemed compliance with this requirement.
- (3) Places of worship are subject to the following standards:
 - a. Net lot area. Minimum: 20,000 square feet.
 - b. Floor area ratio. Maximum: 0.2.
 - c. Building and structure height.
 - i. Building height including mechanical equipment (such equipment shall be screened). Maximum: 30 feet. However:
 - (1) Non-habitable steeples, towers and spires that cover a maximum of ten (10) percent of the roof area, maximum: 45 feet.
 - (2) Non-habitable freestanding steeples, towers and spires. Maximum: 45 feet.
 - ii. Building height exceptions contained in Article VII shall not apply.

- d. Required open space.
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. Building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Lighting.
 - i. All pole mounted lighting shall be shielded, directed downward and a maximum of sixteen (16) feet in height.
 - ii. All lighting adjacent to residential districts shall be set back a minimum of thirty (30) feet from the property line.
 - iii. All lighting, other than security lighting, shall not be operated between 10:00 p.m. and 6:00 a.m.
 - f. Screening. Screening shall be as approved by the Development Review Board.
 - g. Access. All places of worship must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.
 - h. Operations.
 - i. No outdoor activities shall be permitted after 10:00 p.m.
 - ii. The use shall not have outdoor speakers.
- (4) Veterinary and pet care services are permitted if all facilities are within a soundproof building. However, outdoor activities are permitted if:
- a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.
 - b. The property owner and operator maintain all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.
 - c. The outdoor areas are set back at least 100 feet from any lot line abutting a residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.
 - d. There is no outdoor kennel boarding, except within the C-4 zoning district.
- (5) Big box retail sales are not allowed in the Environmentally Sensitive Lands Overlay District and are subject to a conditional use permit if:
- a. Primary access is from a local residential street, or
 - b. Residential property is located within 1,300 feet of the big box property line, except where the residential property is developed with nonresidential uses or separated from the big box by the Loop 101 Pima Freeway.
- (6) Drive-through and drive-in service subject to Conditional Use Permit in I-1 zoning district.
- (7) Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building is subject to the following standards:
- a. Required parking shall not be used for vehicle storage or display.
 - b. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building facility.
- (8) The vehicle repair use is subject to the following standards:
- a. All repairs shall be performed within an enclosed building, except vehicle repair facilities located in the C-4 zoning district.

- b. Vehicles may only enter the rear of the building, except vehicles may enter the side of the building if the lot is:
 - i. A corner lot,
 - ii. A lot abutting a residential district shown on Table 4.100.A.,
 - iii. A lot abutting the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., or
 - iv. Separated by an alley from one (1) of the districts set forth in subsection b.ii. or b.iii. above.
 - c. If the lots meets any requirement of subsection b. above, and side entry bays are proposed, the side entry repair bays shall be screened from street views by solid masonry walls, and the landscape plan shall demonstrate to the Development Review Board's satisfaction, that the proposed screening does not impact the streetscape by exposing repair bays, unassembled vehicles, vehicle repair activities, or vehicle parts.
 - d. All vehicles awaiting repair shall be screened from view by a masonry wall or landscape screen.
 - e. Required parking shall not be used for vehicle storage.
 - f. None of the above criteria shall prohibit the Development Review Board from considering an application to reconstruct or remodel an existing vehicle repair facility.
- (9) Residential health care facilities are permitted subject to the following:
- a. Within the PNC zoning district: site size shall not exceed forty (40) percent of the Development Plan.
 - b. Within the PCC zoning district: site size shall not exceed thirty-five (35) percent of the Development Plan.
 - c. Specialized residential health care facilities.
 - i. The number of beds shall not exceed eighty (80) per acre of gross lot area.
 - d. Minimal residential health care facilities.
 - i. The gross lot area shall not be less than one (1) acre.
 - ii. The number of units shall not exceed forty (40) dwelling units per acre of gross lot area.
 - e. Required open space.
 - i. Minimum open space: 0.24 multiplied by the net lot area distributed as follows.
 - (1) Frontage open space minimum: 0.50 multiplied by the total open space, except as follows:
 - (a) Minimum: Twenty (20) square feet per one (1) linear foot of public street frontage.
 - (b) Not required to exceed fifty (50) square feet per one (1) linear foot of public street frontage.
 - (2) The remainder of the minimum open space, less the frontage open space, shall be provided as common open space.
 - f. The site shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) to provide convenient pedestrian access for residents, guests, and visitors.
- (10) Dwelling units permitted subject to the following:
- a. Dwelling units shall be physically integrated with commercial establishments.

- b. Limited to one (1) dwelling unit per each business establishment. The dwelling unit limitation of one (1) dwelling unit per each business establishment does not apply to property in the PNC zoning district, the PCC zoning district, or the Downtown Area.
- (11) Vehicle storage facilities may include an apartment/office for on-site supervision but no vehicle shall be used as a dwelling, even temporarily.
- (12) Excludes concrete mixing/manufacturing.
- (13) Aeronautical uses are subject to Chapter 5 of the Scottsdale Revised Code.
- (14) Uses that are not accessory uses shall front on a major collector or higher street classification.
- (15) Subject to Zoning Administrator's approval and if the storage building meets the following requirements:
 - a. Is smaller than five hundred (500) square feet, and
 - b. Occupies an area unusable as a parking space.
- (16) Multifamily Conversion permitted subject to the requirements of Section 7.1300.

RESOLUTION NO. 13254

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "SCOTTSDALE COMMERCIAL AND EMPLOYMENT HUBS AND ESSENTIAL AREAS TABLE" AND "SCOTTSDALE TOTAL ALLOCATED MULTIFAMILY CONVERSION DEVELOPMENT PROJECTS ALLOTMENT".

WHEREAS, State Law permits cities to declare documents a public record for the purpose of incorporation into city ordinances; and

WHEREAS, the City wishes to incorporate by reference amendments to the Zoning Ordinance of the City of Scottsdale, Ordinance No. 455, by first declaring said amendments to be a public record.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That certain document entitled "Scottsdale Commercial and Employment Hubs and Essential Areas Table", attached to this Resolution as Exhibit A, a paper and an electronic copy of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

Section 2. That certain document entitled "Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment," attached to this Resolution as Exhibit B, a paper and an electronic copy of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this _____ day of _____, 2024.


ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Ben Lane, City Clerk

By: _____
David D. Ortega, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY


Sherry R. Scott, City Attorney
By: Shane C. Morrison, Assistant City Attorney

Resolution No. 13254
Page 1 of 1

Scottsdale Commercial and Employment Hubs and Essential Areas Table

Commercial and Employment Hubs ID	APN	Address	Number of Buildings	Building Square Footage
1	173-75-004L	8449 E MCDONALD DR	9	111,826
2	173-25-993B	7920 E CHAPARRAL RD	3	57,974
3	174-64-007 174-64-006N 174-64-006M 174-64-006L 174-64-006K 174-64-006F	6300 N SCOTTSDALE RD 6378 N SCOTTSDALE RD 6310 N SCOTTSDALE RD 7141 E LINCOLN DR 7165 E LINCOLN DR 7175 E LINCOLN DR	24	187,856
4	217-28-737	11227 E VIA LINDA	3	26,510
5	217-28-009X	11475 E VIA LINDA	2	58,846
6	216-81-383 216-81-382 216-81-380 216-81-379	10959 E DYNAMITE BLVD 10929 E DYNAMITE BLVD 28150 N ALMA SCHOOL PKWY 10989 E DYNAMITE BLVD	8	65,565
7	216-66-806	31313 N SCOTTSDALE RD	4	67,251
8	216-51-090B	32531 N SCOTTSDALE RD	14	170,405
9	216-48-500	34505 N SCOTTSDALE RD	5	82,195
10	216-49-003Q 216-49-003P	34442 N SCOTTSDALE RD 34422 N SCOTTSDALE RD	9	106,133
		Total	81	934,561

Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment

City Council authorizes the redevelopment of existing commercial, office, or mixed-use buildings to Multifamily Conversion, as adopted in Ordinance No. 4651. The number of buildings and/or building area redeveloped shall be limited by the following, whichever occurs first:	
94,972 square feet	10 buildings

Source: Maricopa County Assessor's Office, 2024

Multifamily Conversion Project	APN	Address	Multifamily Conversion Buildings	Multifamily Conversion Building Square Footage
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

3-TA-2024 & 4-TA-2024

Citizen Involvement Report

Introduction

In response to new Arizona Laws passed by the state legislature in the Spring of 2024, Scottsdale Planning Commission initiated the following text amendments at their regular meeting on July 10, 2024, in order to comply with State Law:

- 3-TA-2024, Adaptive Reuse & Development Application Determination Text Amendment. Request by City of Scottsdale to amend the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of addressing HB2297 and SB1162.
- 4-TA-2024, Accessory Dwelling Unit (ADU) Text Amendment, Request by City of Scottsdale to amend the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for the purpose of addressing HB2720 and HB2325.

Consequently, as required by the city's Zoning Code, staff conducted two open houses where the public was invited to review, and provide public comment on, these amendments.

Summary of Open Houses

Two open house events were held to discuss proposed changes to the Zoning Code. Both events were advertised through an 1/8-page ad in the *Arizona Republic* newspaper, the *Scottsdale P & Z Link* e-newsletter, and postcards sent to the City's interested parties list.

Residents and stakeholders were encouraged to review case information online prior to the meeting, which included:

- An informative video about the City's efforts
- Full versions of all relevant State Laws
- The City's draft Zoning Code amendments
- An option to submit public comments
- Planning Commission and City Council hearing schedules

The first open house took place on Thursday, September 19, 2024, at McCormick Ranch Park Community Center from 5–7 pm, and the second on Friday, September 20, 2024, at the City's Community Design Studio from 11 am–1 pm. A total of 20 people attended the in-person sessions. As of the drafting of this report, online viewership has been significant, with 293 views for the video on the Adaptive Reuse & Development Application Determination Text Amendment (3-TA-2024), and 507 views for the video on the ADU Text Amendment (4-TA-2024).

The same material was presented at both sessions (Attachment 1), covering:

- Requirements of the new State bills,
- How the proposed Zoning Code amendments address the changes, and
- Efforts by the City of Scottsdale to mitigate any potential adverse impacts

Overall, attendees responded positively to the proposed amendments, with many attendees expressing support that their properties would not be as affected by the new State bills due to exclusions for Traffic Pattern Airspace and airport vicinity areas. Some attendees expressed a desire for further restrictions on Short-Term Rentals (STRs). No written comments were submitted.

Enclosures:

1. 3-TA-2024 and 4-TA-2024 Information Boards Presented at Open House
2. Open House Sign-in Sheets



Adaptive Reuse & Development Application Determination Zoning Code Amendment

State Law Requirements & City Compliance

HB2297 + SB1162 | 3-TA-2024



Background

- State of Arizona grants cities and towns with local authority the ability to set zoning/land use regulations subject to State Law
- HB2297 was introduced/passed by the State Legislature and signed by the Governor in April 2024 to allow adaptive reuse of existing commercial, office and mixed-use buildings to be repurposed as multi-family housing
- The City must comply with State Law
 - With compliance the City also intends to minimize the negative impacts of this law on the community



What Buildings Are Included?

New State law enables the adaptive reuse of:

- ✓ Existing commercial/office/mixed-use buildings
- ✓ Situated on land between 1 and 20 acres in size
- ✓ Buildings that are in a state of disrepair or have at least a 50% vacancy

The total allowed adaptive reuse may not exceed 10% of the existing buildings/floor area in the City.



What Does State Law Dictate to the City?

The City CANNOT:

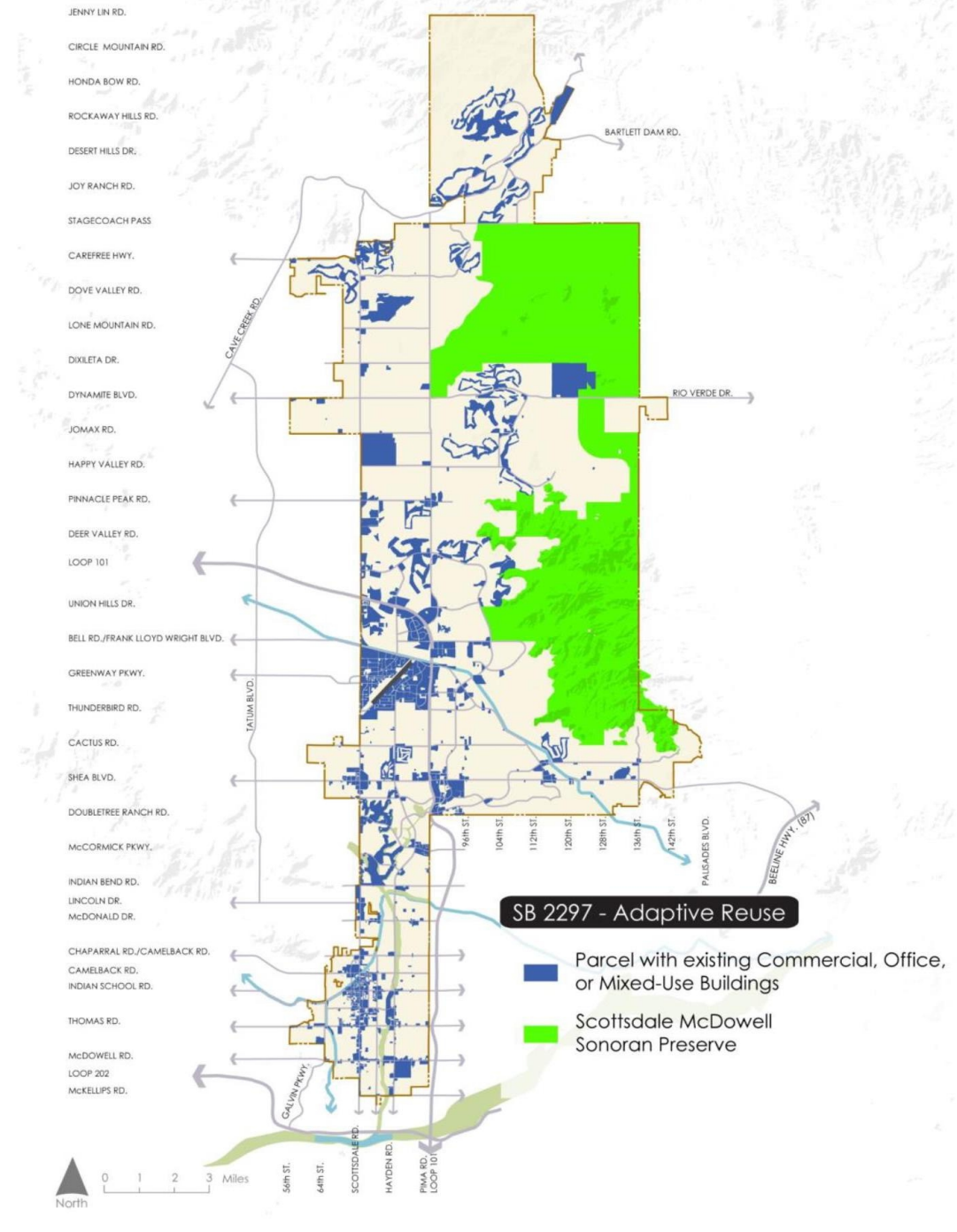
- Require a public hearing for adaptive reuse proposals – including rezoning, conditional use permits or Development Review Board action
- Establish setback, density, parking & building height that is any greater than the requirements set forth in State Law

The City CAN REQUIRE:

- Site plan review and approval process
- Compliance with building/fire codes
- Adequate public sewer and water service
- Public utility review
- Existing buildings be economically or functionally obsolete
- A minimum of 10% of the total new multi-family units be set aside for either moderate-income, or low-income housing for at least 20 years
- Buildings within the vicinity of an airport, up to 10% of existing buildings, and historic properties can be excluded

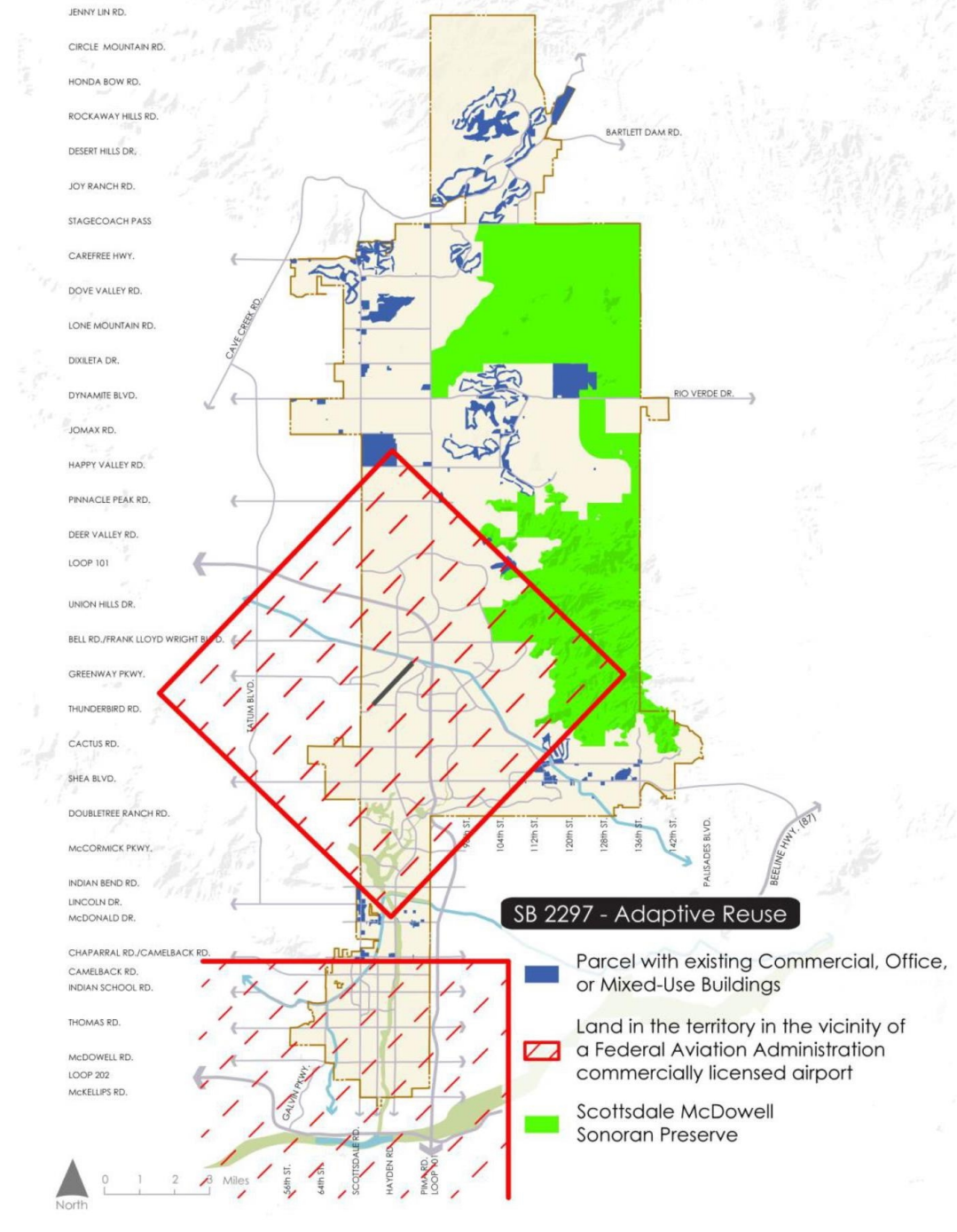
Building Locations Identified Before Exclusions Applied

- Existing commercial, office & mixed-use buildings



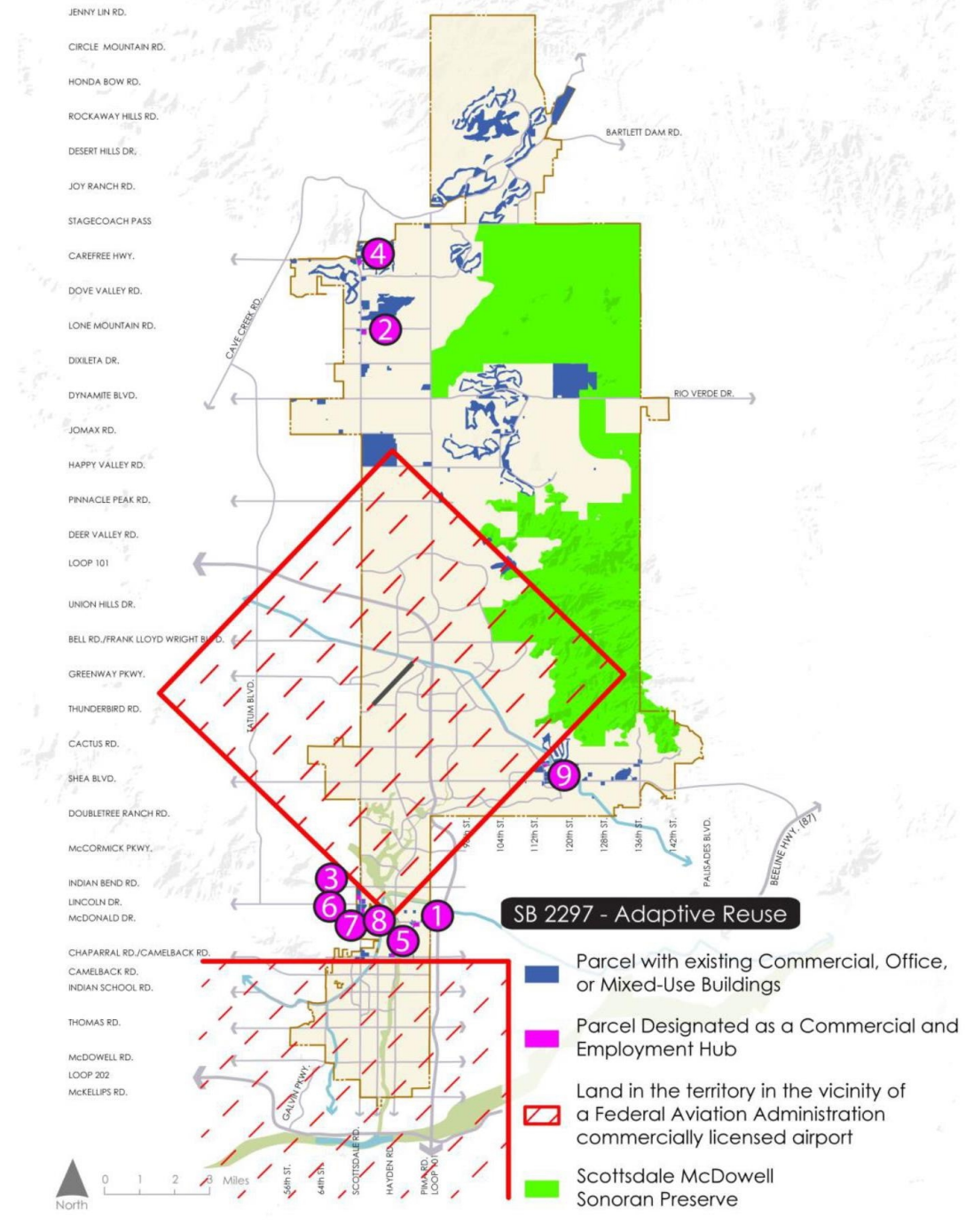
Airport Exclusions:

- Exclude buildings in an airport vicinity
- Scottsdale has airport vicinity in two locations
 - Sky Harbor Airport Vicinity
 - Scottsdale Airport Vicinity
- Commercial, office & mixed-use buildings located within the red airport vicinity boundaries are excluded



Up to 10% of Commercial/ Employment Hub Exclusions

- City can exclude 10% of existing buildings by designating them as commercial/employment hubs
- The City is designating 9 sites equating to 1.2 million square feet of existing commercial, office, and mixed-use buildings.

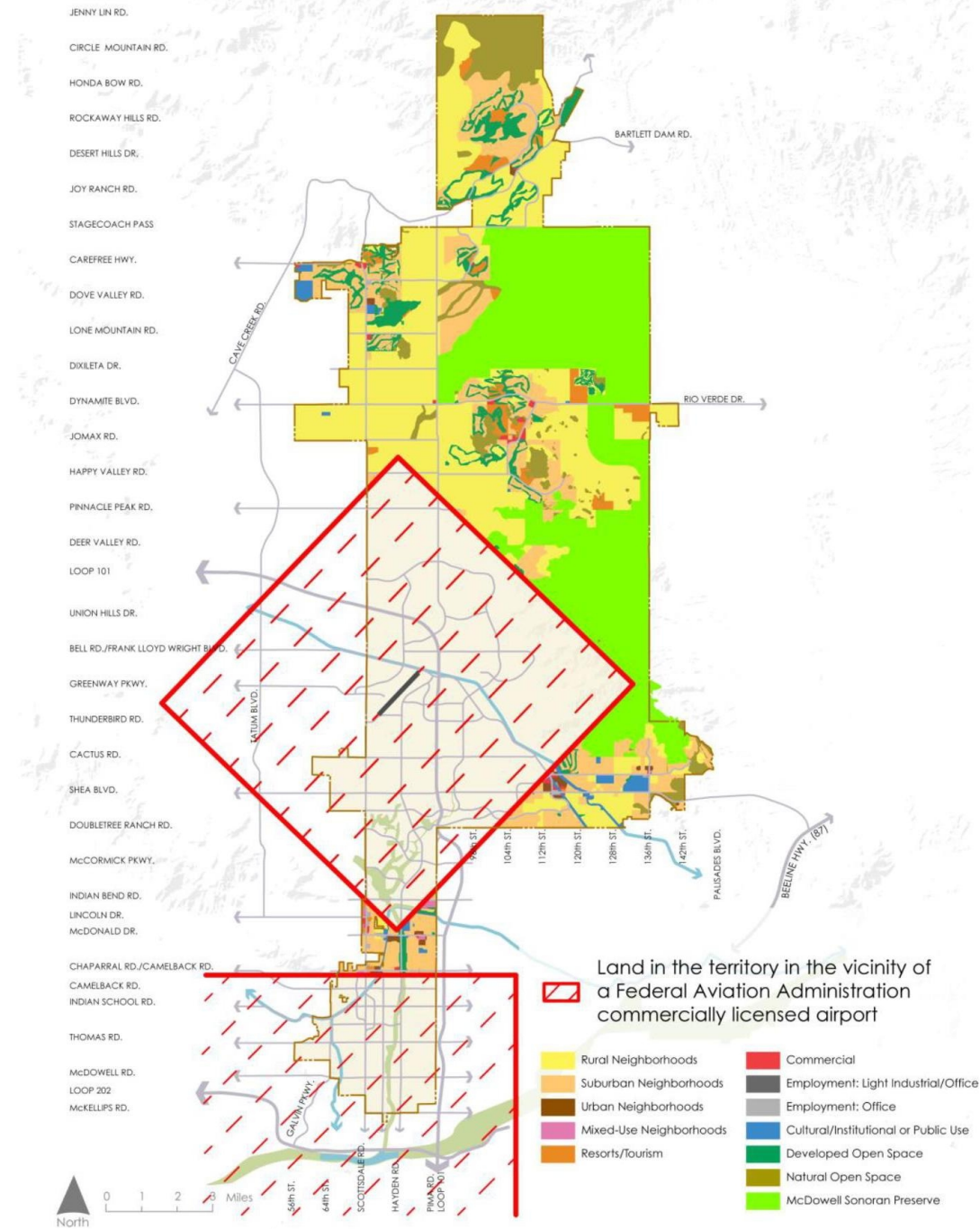


Not More Than 10% Eligibility

- State law requires **not more than 10%** of the city's commercial/office/mixed-use buildings to be eligible for multi-family adaptive reuse
- Scottsdale is proposing to **allow 1%** to be eligible for adaptive reuse
- Why 1%? – It aligns with the existing proportion of commercial, office, and mixed-use in areas located outside of the vicinity of an airport



Scan, snap, save, and share



Exclusions, Impacts & What Remains:



- ✓ Excludes buildings in an airport vicinity
 - ✓ Excludes commercial/employment hubs (not to exceed 10% of existing buildings)
 - ✓ Excludes historic properties (none of which have existing commercial, office, or mixed-use buildings)
- ✓ For Scottsdale, 1% of existing buildings may be eligible for adaptive reuse to multi-family
 - ✓ Approximately 120,000 square feet of multi-family housing building space could be realized

JENNY LIN RD.

CIRCLE MOUNTAIN RD.

HONDA BOW RD.

ROCKAWAY HILLS RD.

DESERT HILLS DR.

JOY RANCH RD.

STAGECOACH PASS

CAREFREE HWY.

DOVE VALLEY RD.

LONE MOUNTAIN RD.

DIXILETA DR.

DYNAMITE BLVD.

JOMAX RD.

HAPPY VALLEY RD.

PINNACLE PEAK RD.

DEER VALLEY RD.

LOOP 101

UNION HILLS DR.

BELL RD./FRANK LLOYD WRIGHT BLVD.

GREENWAY PKWY.

THUNDERBIRD RD.

CACTUS RD.

SHEA BLVD.

DOUBLETREE RANCH RD.

McCORMICK PKWY.

INDIAN BEND RD.

LINCOLN DR.

McDONALD DR.

CHAPARRAL RD./CAMELBACK RD.

CAMELBACK RD.

INDIAN SCHOOL RD.

THOMAS RD.

McDOWELL RD.

LOOP 202

McKELLIPS RD.

BARTLETT DAM RD.

RIO VERDE DR.

CAVE CREEK RD.

TATUM BLVD.

PAUSADES BLVD.

BEELINE HWY. (87)

SB 2297 - Adaptive Reuse

- Parcel with existing Commercial, Office, or Mixed-Use Buildings
- Parcel Designated as a Commercial and Employment Hub
- Land in the territory in the vicinity of a Federal Aviation Administration commercially licensed airport
- Scottsdale McDowell Sonoran Preserve



56th St.

64th St.

SCOTTSDALE RD.

HAYDEN RD.

PIMA RD.

LOOP 201

198th St.

104th St.

112th St.

120th St.

128th St.

136th St.

142th St.

SB 1162 - Additional Amendment Language

SB1162 – relating to processing of Zoning Map Amendment cases, requires that the City must adopt an ordinance to:

- Determine whether a zoning application is administratively complete within 30 days after receiving the application
- Approve or deny a zoning application within 180 days after the application has been determined to be administratively complete

The City can:

- Grant a one-time extension of not more than 30 days for extenuating circumstances
- Grant 30-day extension(s) for each applicant-initiated extension request

Planned Community District

On September 10, 2024, City Council adopted Resolution No. 13232:

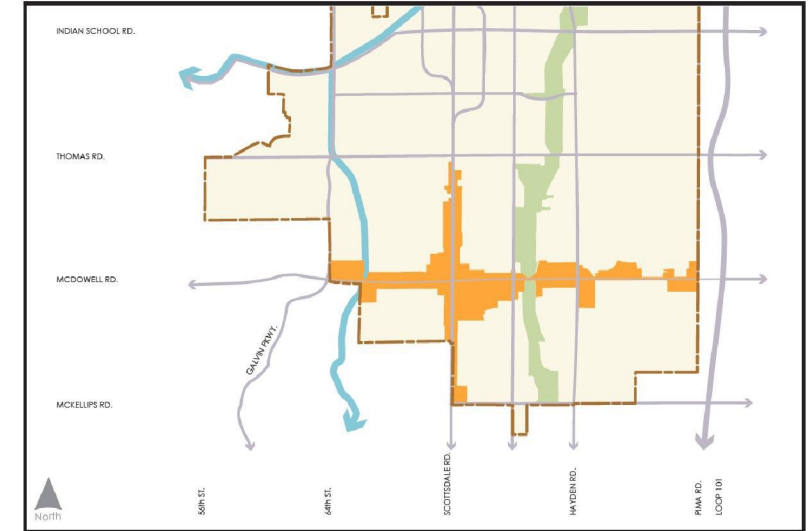
- Repealing Resolution No. 8356, terminating the McDowell & Scottsdale Corridor Single Central Business District designation
- Initiate a text amendment to the City of Scottsdale Zoning Ordinance (No. 455) for the purposes of updating the Planned Community (P-C) District size requirements

Sec. 5.2100. Planned Community (P-C).

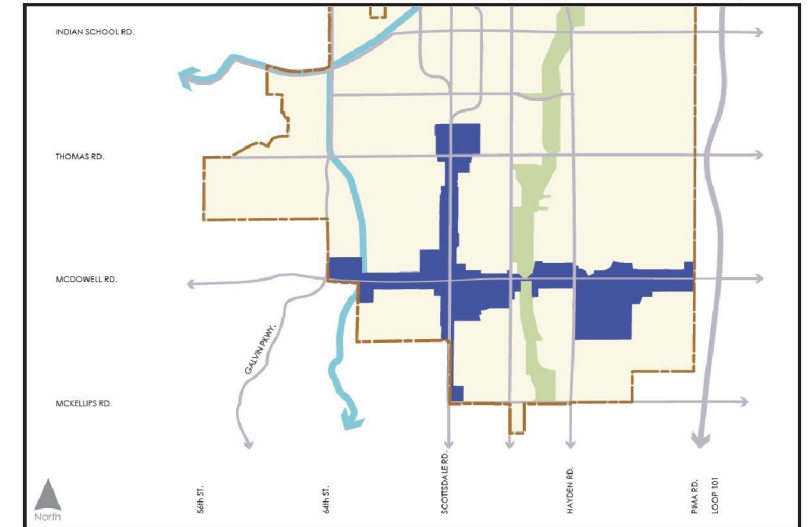
Sec. 5.2102. General provisions.

- A. *Qualifications.* P-C districts may be established on parcels of land which, because of their unified ownership or control, size, topography, proximity to large public facilities, or exceptional or unusual locational advantages, are suitable for planned development in a manner consistent with the purposes of this section.
- B. *Minimum district size.*
1. Minimum parcel size for any P-C District established within the boundaries of the McDowell Road/Scottsdale Road Growth Area ~~as a single Central Business District as designated by the Scottsdale General Plan: City Council in Resolution No. 8356~~: ten (10) acres of gross lot area of all lots shown on the Development Plan.
 2. Minimum parcel size for any P-C District established outside the boundaries of the McDowell Road/Scottsdale Road Growth Area ~~as a single Central Business District as designated by the Scottsdale General Plan: City Council in Resolution No. 8356~~: one hundred sixty (160) acres of gross lot area of all lots shown on the Development Plan.

Single Central Business District Boundary (Resolution No. 8356)



McDowell Road / Scottsdale Road Growth Area Boundary (General Plan 2035)





Accessory Dwelling Units (ADU) Zoning Code Amendment

State Law Requirements & City Compliance

HB2720 + HB2325 | 4-TA-2024



Background

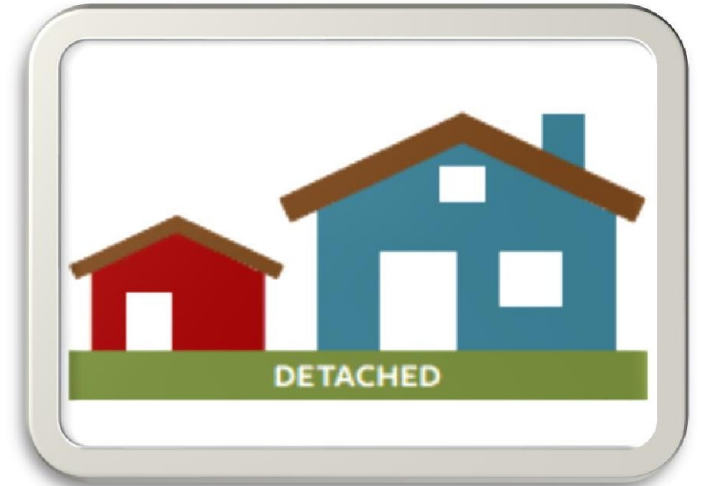
- State of Arizona grants cities and towns with local authority the ability to set zoning/land use regulations subject to State Law
- HB2720 was introduced/passed by the State Legislature and signed by the Governor in April 2024 to allow for the development of accessory dwelling units on single family properties
- The City must comply with State Law
 - With compliance the City also intends to minimize the negative impacts of this law on the community
 - **If the city does not comply by January 1, 2025, HB 2720 outlines that “accessory dwelling units shall be allowed on all lots or parcels zoned for residential use in the municipality without limits.”**

What is an Accessory Dwelling Unit (ADU)?



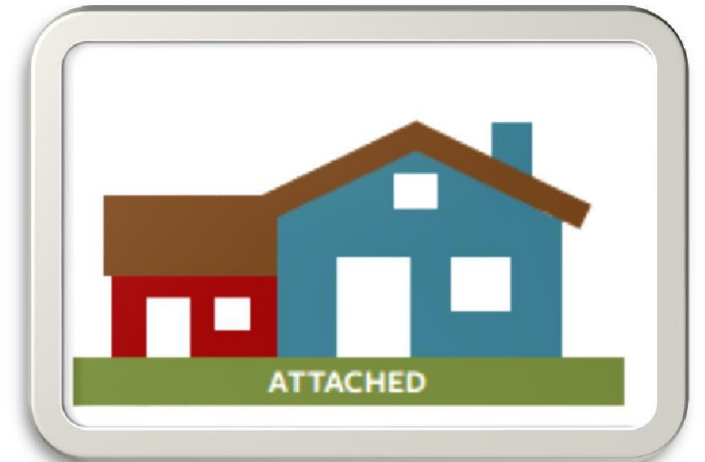
An ADU:

- Is a subordinate, self-contained dwelling unit that is on the same lot as a main single-family residential dwelling
- Is designed for living purposes, and includes its own sleeping facilities, kitchen facilities, and sanitary facilities
- Can be attached or detached from the single-family dwelling



ADUs come in many shapes/styles – most common:

- A self-contained living unit built as a detached structure, separate from the single-family home
- A self-contained living unit built as an attached extension off the single-family home (ex. either on the ground floor or 2nd level addition)





What Does State Law Dictate to the City?

The City MUST:

- Allow **one attached** and **one detached** ADU per single-family property
- Allow a **third detached** ADU for parcels that are 1 acre in size or greater, if at least 1 of the ADUs is an affordable housing unit
- Allow the size of an ADU to be 75% of the gross floor area of the single-family home or up to a maximum 1,000 sq. ft. - whichever is less

The City CANNOT:

- Prohibit the short- or long-term lease of an ADU
- Require familial relationship between the owner of the main home & ADU occupant(s)
- Require on site parking for an ADU (or fees in lieu of parking)
- Require an ADU to have an exterior design like that of the single-family home
- Require more than 5 feet of distance from the rear or side of the ADU to the property line
- Require improvements to the public street as a condition of allowing the ADU
- Require permits, licenses or conditions between private parties for use of the ADU
- Require an ADU to contain a fire sprinkler system



Does Scottsdale Allow ADUs Now?

**Scottsdale currently allows
Guest Houses on single-family
properties**



**A Guest House is an accessory
building used to accommodate
guests of the occupants of the
main building/house**

- Must be ½ the size or less of the main building/house
- Guest house connected to water meter of main dwelling
- Not rented separately from main building/house



What is the Difference Between a Guest House & ADU in Scottsdale?

Guest House in Scottsdale

- **Maximum can be ½ size of main house**
 - Example: a 3,000 square foot home may have a guest house that is 1,500 sq.ft. maximum
- **Cannot** be rented separately from main house

ADU in Scottsdale

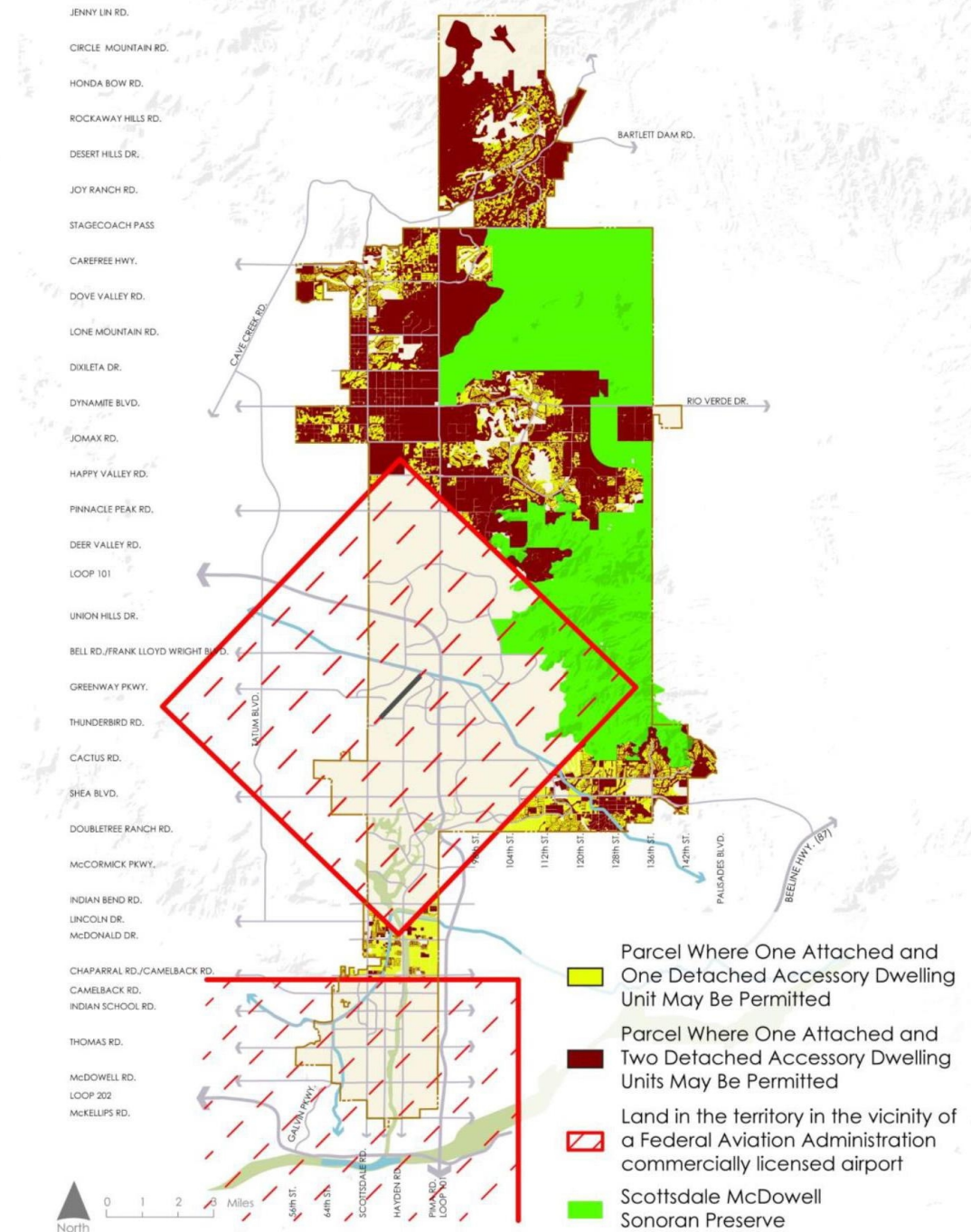
- **Maximum can be 75% of the size of main house or max of 1,000 square feet, whichever is less.**
 - Example: an 1,800 square foot home may have an ADU that is 1,000 sq.ft. maximum (75% = 1,350 sq.ft.)
- **Can** be rented separately from the main house

What is the City Proposing?

- **Exclude** areas as permitted by State Law
 - In the vicinity of an airport
 - HOA neighborhoods can privately restrict
- Require an owner of an ADU that is used as vacation or short-term rental after September 14, 2024 to reside on property
- Restrict size of multiple ADUs
- Ensure sufficient water supply and sewer capacity



Scan, snap, save, and share



JENNY LIN RD.

CIRCLE MOUNTAIN RD.

HONDA BOW RD.

ROCKAWAY HILLS RD.

DESERT HILLS DR.

JOY RANCH RD.

STAGECOACH PASS

CAREFREE HWY.

DOVE VALLEY RD.

LONE MOUNTAIN RD.

DIXILETA DR.

DYNAMITE BLVD.

JOMAX RD.

HAPPY VALLEY RD.

PINNACLE PEAK RD.

DEER VALLEY RD.

LOOP 101

UNION HILLS DR.

BELL RD./FRANK LLOYD WRIGHT BLVD.

GREENWAY PKWY.

THUNDERBIRD RD.

CACTUS RD.

SHEA BLVD.

DOUBLETREE RANCH RD.

MCCORMICK PKWY.

INDIAN BEND RD.

LINCOLN DR.

MCDONALD DR.

CHAPARRAL RD./CAMELBACK RD.

CAMELBACK RD.

INDIAN SCHOOL RD.

THOMAS RD.

MCDOWELL RD.

LOOP 202

McKELLIPS RD.

BARTLETT DAM RD.

RIO VERDE DR.

CAVE CREEK RD.

TATUM BLVD.

198th ST.

104th ST.

112th ST.

120th ST.

128th ST.

136th ST.

142th ST.

PAUSADES BLVD.

BEE LINE HWY. (87)

GALVIN PKWY.

SCOTSDALE RD.

HAYDEN RD.

PIMA RD.

LOOP 101



0 1 2 3 Miles

North

Parcel Where One Attached and One Detached Accessory Dwelling Unit May Be Permitted

Parcel Where One Attached and Two Detached Accessory Dwelling Units May Be Permitted

Land in the territory in the vicinity of a Federal Aviation Administration commercially licensed airport

Scottsdale McDowell Sonoran Preserve

HB2325 – Backyard Fowl

Arizona legislation now requires fowl to be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property and restrict the size of the enclosure to a maximum of two hundred square feet with a maximum height of eight feet.

3. Backyard fowl. This section applies only to single-family residential lots.

a. The keeping of fowl in the rear yard is a permitted accessory use to a main single-family dwelling. The keeping of backyard fowl is subject to the requirements of SRC Chapter 4, Article II., and the following requirements:

i. The keeping of fowl shall not be permitted in a required front or side yard.

ii. Fowl shall be kept in an enclosure located in the rear yard of the property. The enclosure shall be set back at least twenty (20) feet from a property line. The enclosure shall be limited to a maximum size of two hundred (200) square feet. The enclosure shall be limited to a maximum height of eight (8) feet, or

the maximum wall or fence height allowed in the zoning district where the property is located, whichever is less. These enclosure requirements shall not apply to an enclosure constructed prior to December 31, 2024.

Next Steps

3-TA-2024: Adaptive Reuse 4-TA-2024: ADU



Public outreach and open houses

When: Thursday, September 19, 2024
Time: 5:00 PM to 7:00 PM
Location: Mountain View Community Center
8625 E. Mountain View Road
Scottsdale, AZ 85258

When: Friday, September 20, 2024
Time: 11:00 AM to 1:00 PM
Location: Community Design Studio
7506 E. Indian School Road
Scottsdale, AZ 85251

Planning Commission

- Non-Action Discussion Item (October 9, 2024)
- Recommendation hearing (October 23, 2024)

City Council

- Action Hearing (Tentatively November 19, 2024)

New provisions must be adopted by local municipalities no later than January 1, 2025

Want more information?

Follow the QR Codes to:

- *Review the full versions of State laws and the city's proposed draft Zoning Code amendments*
 - *HB2297 + SB1162 = 3-TA-2024*
 - *HB2720 + HB2325 = 4-TA-2024*
- *Provide public comment*
- *Stay up-to-date on the public hearing schedule for Planning Commission and City Council*

*Adaptive Reuse +
Application Determination*

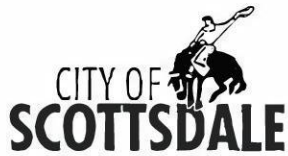


Scan, snap, save, and share

Accessory Dwelling Units (ADU)



Scan, snap, save, and share



Adaptive Reuse & Development Application Determination And Accessory Dwelling Unit (ADU) Text Amendments Open House (3-TA-2024 & 4-TA-2024) September 19, 2024

Name <i>Jim Davis</i>	Business or Property Address	
Mailing Address & Zip <i>27483 N 103rd Way 85262</i>	Phone <i>480-299-1815</i>	E-mail <i>jdavis@mba1965.hb.com</i>
Name <i>JESSE GRONNER</i>	Business or Property Address <i>SAME</i>	
Mailing Address & Zip <i>12474 N 81st St</i>	Phone <i>503-475-8804</i>	E-mail <i>JS GRONNER@GMAIL.COM</i>
Name <i>Susan + Chuck Wood</i>	Business or Property Address	
Mailing Address & Zip <i>9630 E Yucca St</i>	Phone <i>480 540 4648</i>	E-mail <i>SamW1222@aol.com</i>
Name <i>[Signature]</i>	Business or Property Address	
Mailing Address & Zip	Phone	E-mail
Name <i>Sonnie Kirtley</i>	Business or Property Address	
Mailing Address & Zip <i>ON record</i>	Phone	E-mail <i>LOGSA2@gmail.com</i>
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail

Please note that the city of Scottsdale receives requests from citizens to review comment cards and sign-in sheets and the city is obligated to release any information on the cards/sheets that is considered a public record.



Adaptive Reuse & Development Application Determination And Accessory Dwelling Unit (ADU) Text Amendments Open House (3-TA-2024 & 4-TA-2024) September 19, 2024

Name <u>Robert Tutemann</u>	Business or Property Address <u>7901 E. Wilshire Dr</u>	
Mailing Address & Zip <u>Same</u>	Phone <u>480-280-6372</u>	E-mail <u>vtutemann@cendurylink.net</u>
Name <u>JAMES BRANDON</u>	Business or Property Address	
Mailing Address & Zip _____	Phone	E-mail
Name <u>Rob Borucki</u>	Business or Property Address	
Mailing Address & Zip <u>8231 E. DAVENPORT SCOTTSDALE 85260</u>	Phone	E-mail <u>UNFORGETDJ@YAHOO.COM</u>
Name <u>Copper Phillips</u>	Business or Property Address	
Mailing Address & Zip <u>7451 E. Via Dena Rd</u>	Phone <u>602-509-1174</u>	E-mail <u>copperphillips@cox.net</u>
Name <u>STANLEY MORGANSTEAD</u>	Business or Property Address <u>28482-N 77TH ST SCOTTSDALE 85266</u>	
Mailing Address & Zip <u>28482 N. 77TH ST 85266</u>	Phone <u>216-470-1234</u>	E-mail <u>SMORGAN153@AOL.COM</u>
Name <u>Sharon Robinson</u>	Business or Property Address	
Mailing Address & Zip <u>16420 N. Thompson Peak Pkwy</u>	Phone <u>480-860-4626</u>	E-mail

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and the city is obligated to release any information on the cards/sheets that is considered a public record.



Adaptive Reuse & Development Application Determination And Accessory Dwelling Unit (ADU) Text Amendments Open House (3-TA-2024 & 4-TA-2024) September 20, 2024

Name Maryann McAllen	Business or Property Address Both	
Mailing Address & Zip 6302 N. 90th St.	Phone 480-266-8296	E-mail MaryannMcAllen@gmail.com
Name Lisa Rozosky	Business or Property Address	
Mailing Address & Zip 7702 E Double Tree Ranch	Phone # 852583	E-mail lisa@lisaformayor.ca
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail

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Adaptive Reuse & Development Application Determination And Accessory Dwelling Unit (ADU) Text Amendments Open House (3-TA-2024 & 4-TA-2024) September 20, 2024

Name <i>Michael Brady</i>	Business or Property Address <i>5890 W. 24th Pl</i>	
Mailing Address & Zip <i>85250</i>	Phone <i>—</i>	E-mail <i>mkeyfin@gmail.com</i>
Name <i>James Sherrin</i>	Business or Property Address <i>2830 N 82nd St</i>	
Mailing Address & Zip <i>2830 N 82nd St 85257</i>	Phone <i>703 608 8946</i>	E-mail <i>James.Sherrin@outlook.com</i>
Name <i>French Thompson</i>	Business or Property Address <i>French Designer Jeweler</i>	
Mailing Address & Zip <i>6322 EVANSON AVE</i>	Phone <i>480-994-4717</i>	E-mail <i>French@Frenchonmain.com</i>
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail

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Adaptive Reuse & Development Application Determination And Accessory Dwelling Unit (ADU) Text Amendments Open House (3-TA-2024 & 4-TA-2024) September 20, 2024

Name <i>Michael Joyner</i>	Business or Property Address	
Mailing Address & Zip <i>11216 E Dale Lake</i>	Phone <i>480-695-5603</i>	E-mail <i>MICHAJOYNER@gmail.com</i>
Name <i>Michael Messenger</i>	Business or Property Address	
Mailing Address & Zip <i>7495 E Montebello Ave.</i>	Phone <i>480-5602171</i>	E-mail <i>MRMessengerAZ@gmail.com</i>
Name <i>Kam. B. Sherrin</i>	Business or Property Address <i>2930 N 82ND ST SCOTTSDALE 85257</i>	
Mailing Address & Zip <i>same</i>	Phone <i>480 721 6145</i>	E-mail <i>brn-sherrin@outlook.com</i>
Name <i>Brucey Lowrie</i>	Business or Property Address <i>Cattle Track Rd. Goetzig @gmail</i>	
Mailing Address & Zip	Phone	E-mail
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail
Name	Business or Property Address	
Mailing Address & Zip	Phone	E-mail

Please note that the city of Scottsdale receives requests from citizens to review comment cards and sign-in sheets
and the city is obligated to release any information on the cards/sheets that is considered a public record.



REQUEST TO SPEAK



Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.

Public testimony is limited to three (3) minutes per speaker.

Additional time MAY be granted to speakers representing two or more persons.

Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) TOM FRENKEL MEETING DATE _____

NAME OF GROUP/ORGANIZATION (if applicable) CLANTON COMPANIES

ADDRESS 7340 E NAEN ST #200 ZIP _____

HOME PHONE _____ WORK PHONE 480-941-2260

E-MAIL ADDRESS (optional) TOM@CLANTONCOMPANIES.COM

☒ I WISH TO SPEAK ON AGENDA ITEM # 7 ☐ I WISH TO DONATE MY TIME TO _____

☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.

Adaptive Reuse & Development Application Determination Text Amendment (3-TA-2024)

City Council
November 25, 2024



Purpose of Proposed Text Amendment

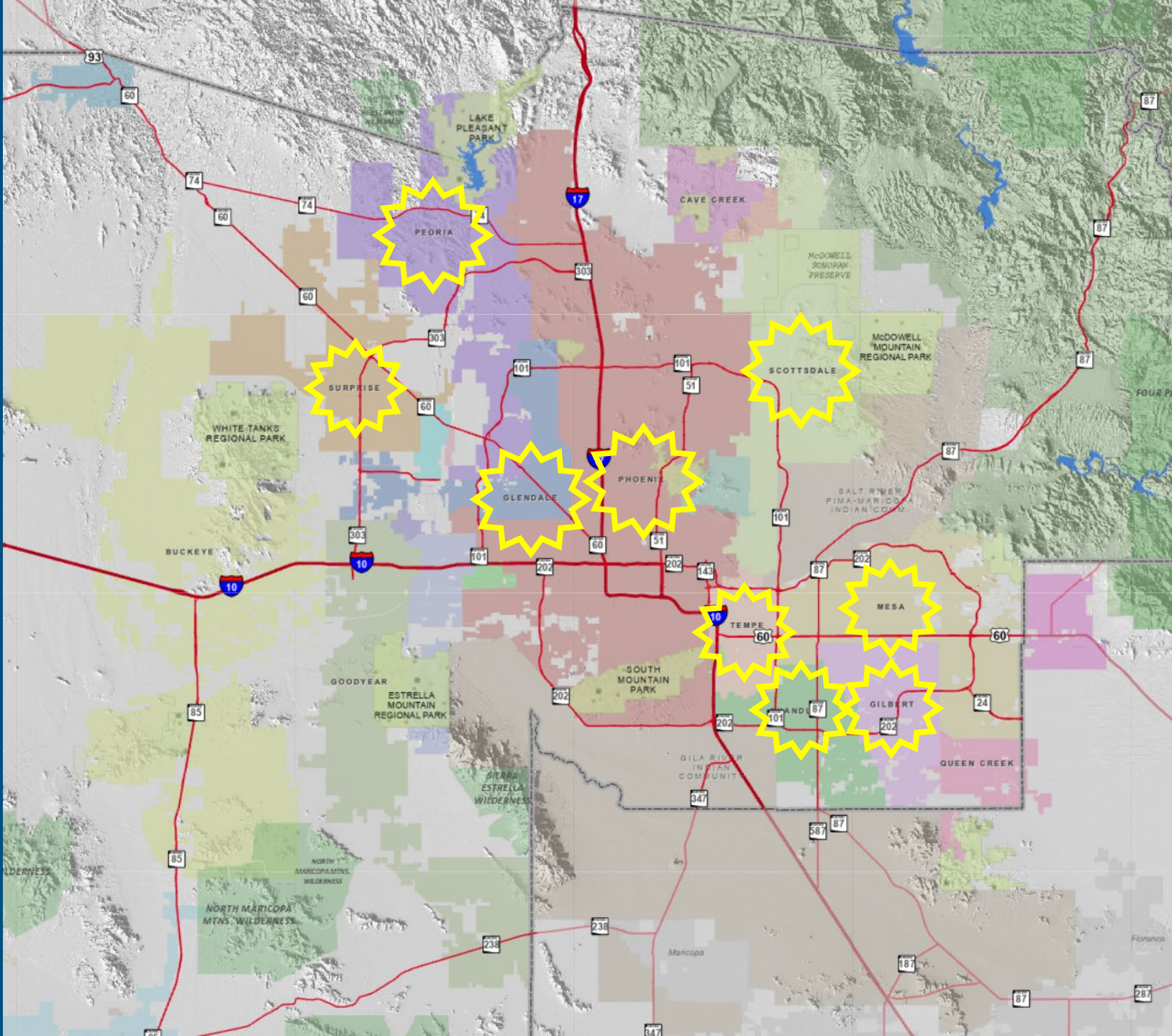
- Codify City's approach to meet the requirements of new State Laws, as provided in Case No. **3-TA-2024**
 - Adaptive reuse (HB2297),
 - Development application determination (SB1162)

HB2297 – Background

- State of Arizona grants cities and towns with local authority the ability to set zoning/land use regulations subject to State Law
- HB2297 was introduced/passed by the State Legislature and signed by the Governor in April 2024 to allow for the adaptive reuse of existing commercial, office and mixed-use buildings and sites
- *Adaptive Reuse* generally means the converting of an existing building/site from the use it was constructed to a multifamily residential use
- The City must comply with State Law (January 1, 2025)
 - With compliance the City intends to minimize the negative impacts of this law on the community

MAG Planning Area Total: 4,974,380 (July 1, 2023 Estimate)

Jurisdiction	Population Estimate July 1, 2022	Population Estimate July 1, 2023	Population Growth (2022-2023)
Apache Junction	39,251	39,453	0.5%
Avondale	92,324	94,830	2.7%
Buckeye	106,316	109,729	3.2%
Carefree	3,721	3,723	0.1%
Cave Creek	5,173	5,239	1.3%
Chandler	282,891	285,231	0.8%
El Mirage	36,275	36,536	0.7%
Florence	25,207	23,894	-5.2%
Fort McDowell	1,153	1,153	0.0%
Fountain Hills	23,972	24,075	0.4%
Gila Bend	1,893	1,893	0.0%
Gila River	14,057	14,057	0.0%
Gilbert	277,486	280,391	1.0%
Glendale	254,005	257,962	1.6%
Goodyear	107,002	111,508	4.2%
Guadalupe	5,333	5,329	-0.1%
Litchfield Park	7,012	7,023	0.2%
Maricopa	64,742	69,175	6.8%
Mesa	516,429	521,074	0.9%
Paradise Valley	12,700	12,749	0.4%
Peoria	199,424	202,183	1.4%
Phoenix	1,660,585	1,682,053	1.3%
Queen Creek	70,956	76,752	8.2%
Salt River	6,371	6,388	0.3%
Scottsdale	244,959	248,542	1.5%
Surprise	155,384	160,273	3.1%
Tempe	192,062	194,205	1.1%
Tolleson	7,315	7,322	0.1%
Wickenburg	8,034	8,316	3.5%
Youngtown	7,060	7,060	0.0%
Unincorporated Maricopa County	317,653	323,279	1.8%
Unincorporated Pinal County*	151,632	152,983	0.9%
Maricopa County	4,595,600	4,665,020	1.5%
Pinal County	453,924	467,459	3.0%



What Does State Law Dictate to the City?

The City CANNOT:

- Require a public hearing for adaptive reuse proposals – including rezoning, conditional use permits or Development Review Board action
- Establish setback, density, parking & building height that is any greater than the requirements set forth in State Law

The City CAN REQUIRE:

- Site plan review and approval process
- Compliance with building/fire codes
- Adequate public sewer and water service
- Public utility review
- Existing buildings to be economically or functionally obsolete
- Exclusions – account for specific exclusions as outlined in State Law
- A minimum of 10% of the total new multifamily units be set aside for either moderate-income, or low-income housing for at least 20 years

Approach – Adaptive Reuse

- Establish new **Multifamily Conversion** land use
- Exclusions – **account for specific exclusions** as outlined in State Law
- Eligibility – determine the percentage of **existing buildings that are eligible**
- Eligibility – maximum conversion set to **1%** of existing commercial, office, or mixed-use areas of city
- Location – must have **existing buildings prior to 12/31/2024**
- Location – must be between **1 acre and 20 acres** in size
- Infrastructure – must demonstrate **adequate water and sewer**
- Economically or functionally obsolete for **at least six (6) consecutive months**
- **10%** of a Multifamily Conversion project must be moderate or low income housing

What Buildings are Included?

- New State Law enables the adaptive reuse of:
 - Existing commercial/office/mixed-use buildings and sites
 - Located on land between 1 and 20 acres in size
 - Buildings that are in a state of disrepair or have at least a 50% vacancy
- A municipality can permit the adaptive reuse of not more than 10% of the total existing buildings/floor area presently in the municipality

8 A. ON OR BEFORE JANUARY 1, 2025, THE GOVERNING BODY OF A
9 MUNICIPALITY WITH A POPULATION OF ONE HUNDRED FIFTY THOUSAND OR MORE
10 PERSONS SHALL ESTABLISH OBJECTIVE STANDARDS TO ALLOW MULTIFAMILY
11 RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE ON NOT MORE THAN TEN PERCENT OF
12 THE TOTAL EXISTING COMMERCIAL, OFFICE OR MIXED USE BUILDINGS WITHIN THE
13 MUNICIPALITY WITHOUT REQUIRING A CONDITIONAL USE PERMIT, A PLANNED UNIT
14 DEVELOPMENT OR REZONING APPLICATION OR ANY OTHER APPLICATION THAT WOULD
15 REQUIRE A PUBLIC HEARING. THE GOVERNING BODY OF THE MUNICIPALITY MAY
16 MODIFY THE PERCENTAGE OF EXISTING COMMERCIAL, OFFICE OR MIXED USE
17 BUILDINGS WITHIN THE MUNICIPALITY AVAILABLE FOR MULTIFAMILY RESIDENTIAL
18 DEVELOPMENT OR ADAPTIVE REUSE EVERY TEN YEARS.

Exclusions

- Legislation allows municipalities to designate commercial/employment hubs where adaptive reuse provisions are not permitted
- Legislation excludes buildings/sites in the vicinity of an airport
- Buildings designated as historic are excluded

Commercial / Employment Hubs Exclusion

- State Law allows **up to 10%** of existing buildings to be designated as commercial/employment hubs
- City will utilize full 10% exclusion
- 10 sites chosen throughout city

Scottsdale Commercial and Employment Hubs and Essential Areas Table

Commercial and Employment Hubs ID	APN	Address	Number of Buildings	Building Square Footage
1	173-75-004L	8449 E MCDONALD DR	9	111,826
2	173-25-993B	7920 E CHAPARRAL RD	3	57,974
3	174-64-007 174-64-006N 174-64-006M 174-64-006L 174-64-006K 174-64-006F	6300 N SCOTTSDALE RD 6378 N SCOTTSDALE RD 6310 N SCOTTSDALE RD 7141 E LINCOLN DR 7165 E LINCOLN DR 7175 E LINCOLN DR	24	187,856
4	217-28-737	11227 E VIA LINDA	3	26,510
5	217-28-009X	11475 E VIA LINDA	2	58,846
6	216-81-383 216-81-382 216-81-380 216-81-379	10959 E DYNAMITE BLVD 10929 E DYNAMITE BLVD 28150 N ALMA SCHOOL PKWY 10989 E DYNAMITE BLVD	8	65,565
7	216-66-806	31313 N SCOTTSDALE RD	4	67,251
8	216-51-090B	32531 N SCOTTSDALE RD	14	170,405
9	216-48-500	34505 N SCOTTSDALE RD	5	82,195
10	216-49-003Q 216-49-003P	34442 N SCOTTSDALE RD 34422 N SCOTTSDALE RD	9	106,133
Total			81	934,561

DRAFT

Approach – Adaptive Reuse

Limit conversion to **1%** of existing commercial, mixed-use, or office uses

- Existing commercial, mixed-use, and employment land uses make up **~ 0.8%** of existing land area (outside of airport exemption areas)
- Goal:** maintain existing balance of land use mixture throughout city
- Maximum conversion set to 1% of existing commercial, mixed-use and employment areas of city
- Legislation allows for the review and possible update of chosen percentage every 10 years

GENERAL PLAN 2035 LAND USE MIXTURE					
Land Use Group	Land Use Category	General Density	Percentage*	Existing Acreage*	Total Percentage of Group
Residential	Rural Neighborhoods	1 dwelling unit per 1 or more acres	32.5%	24,444	48.9%
	Suburban Neighborhoods	More than 1 and less than 8 dwelling units per acre	15.9%	11,936	
	Urban Neighborhoods	8 or more dwelling units per acre	0.5%	345	
Mixed Uses	Mixed-Use Neighborhoods		0.1%	123	2.4%
	Resorts/Tourism		2.3%	1,719	
Non-Residential	Cultural/Institutional or Public Use		1.3%	1,000	1.9%
	Commercial		0.4%	325	
	Employment		0.2%	122	
Open Space	Developed Open Space		5.7%	4,262	46.8%
	Natural Open Space		6.9%	5,168	
	McDowell Sonoran Preserve		34.2%	25,701	

Approach – Adaptive Reuse

Economically or functionally obsolete for **at least six (6) consecutive months**

The state statute mentions adaptive reuse for a building with at least 50% vacancy but the statute is loosely written and does not identify how long such vacancy should exist – *as written one day at 50% vacancy would qualify.*

Consequently, to provide clarity to a poorly written bill and future applicants that may apply for such, along with consistency to other, similar, sections or our Zoning Ordinance, planning recommended the 6-month timeline for said 50% vacancy. The 6 months most closely aligns with the vacancy of a non-conforming structure or use of land in our ordinance – “A nonconforming structure or use of land discontinued for a period of six (6) months or longer is presumed abandoned.” [Sec. 1.1303]

SB1162 – Background

- SB1162 is related to the processing of Zoning District Map Amendment applications, and requires that the City adopt an ordinance to:
 - Determine whether a zoning application is administratively complete within 30 days of receipt of the application
 - Approve or deny a zoning application within 180 days after the application has been determined to be administratively complete
- The City can:
 - Grant a one-time extension of not more than 30 days for extenuating circumstances
 - Grant a 30-day extension for each applicant-initiated extension request

Approach – Development Applications

- Set Administrative Review process to 30 days for 1st review per new state law
- Set Administrative Review process to 15 days for 2nd review per new state law
- Update parameters of incomplete applications (*clean up*)
- Define specific time frames for Zoning District Map Amendments (*180 days*)
- All other review time frames to remain the same as published by the City

Timeline & Next Steps

- ✓ Planning Commission Initiation (July 10, 2024)
- ✓ Two public outreach and open house meetings were provided
 - September 19 and 20, 2024
- ✓ Planning Commission
 - Non-Action Discussion Item (October 9, 2024)
 - Recommendation Hearing (October 23, 2024) – *Recommendation of Approval (6-1)*
- ✓ City Council Hearing
- Future General Plan Amendments (2025)

Request

Request to consider the following:

- **Adopt Ordinance No. 4651** for the purpose of amending the City of Scottsdale Zoning Ordinance (Ordinance No. 455)
- **Adopt Resolution No. 13253** declaring as a public record the “Adaptive Reuse & Development Application Determination Text Amendment – 3-TA-2024”
- **Adopt Resolution No. 13254** declaring as a public record the “Scottsdale Commercial and Employment Hubs and Essential Areas Table” and the “Scottsdale Total Allocated Multifamily Conversion Development Projects Allotment”



From: Linley Wilson <LWilson@azleg.gov>
Sent: Sunday, November 24, 2024 2:50 PM
To: Mayor David D. Ortega; City Council
Cc: Leo Biasiucci; Thompson, Jim; Carr, Brad; Yaron, Adam; Curtis, Tim
Subject: Correspondence from Majority Leader Biasiucci
Attachments: Letter to Scottsdale re. HB2297.pdf

⚠ External Email: Please use caution if opening links or attachments!

Dear Mayor Ortega & Councilmembers,

On behalf of Majority Leader Biasiucci, please see the attached letter.

Best,

Linley Wilson
General Counsel
Arizona House of Representatives
1700 West Washington
Phoenix, AZ 85007
602.926.5544





Arizona House of Representatives

November 24, 2024

Via Email

Honorable David Ortega
Mayor of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Arizona 85251

Vice Mayor Barry Graham
Councilwoman Tammy Caputi
Councilmember Tom Durham
Councilwoman Betty Janik
Councilwoman Kathy Littlefield
Councilwoman Solange Whitehead

Dear Mayor Ortega and Councilmembers,

I am writing in my official capacity to express my serious concerns regarding the City of Scottsdale's Ordinance No. 4651¹, Adaptive Reuse & Development Application Determination Text Amendment, which is scheduled for inclusion on the November 25th Council consent agenda.

During the most recent legislative session, I worked in collaboration with the Arizona Multihousing Association (AMA) and the League of Arizona Cities and Towns (AZ-LACT) to champion House Bill 2297², a bipartisan measure signed into law by Governor Hobbs. However, upon reviewing the City's interpretation and implementation of this legislation, I am deeply disturbed by actions that appear to circumvent the bill's clear statutory intent.

The following issues with the City's approach are particularly concerning:

- 1) Restricting Eligible Buildings to 1%:** According to the circulated text amendment and the City presentation (3-TA-2024, page 8)³, the City has proposed limiting eligible buildings to 1% of commercial, office, or mixed-use structures for

¹ See Adaptive Reuse & Development Application Determination Text Amendment 3-TA-2024
<https://eservices.scottsdaleaz.gov/cityclerk/DocumentViewer/Show/7ead73ea-c8e8-4f60-aca7-b29342d3573c>

² See Chapter 141, House Bill 2297 signed into law on April 10th, 2024
<https://www.azleg.gov/legtext/56leg/2R/laws/0141.pdf>

³ See 3-TA-2024, Page 8, State Law Requirements and City Compliance as presented to the Scottsdale Planning Commission on October 23rd, 2024
<https://eservices.scottsdaleaz.gov/cityclerk/DocumentViewer/Show/7ead73ea-c8e8-4f60-aca7-b29342d3573c>

conversion to multifamily use. This contradicts the statute, which explicitly allows for 10% of buildings to qualify under the bill's objective standards.

- 2) **Imposing Unnecessary Eligibility Criteria:** Page 11 of Resolution No. 13253⁴ requires eligible buildings to demonstrate economic or functional obsolescence for at least six continuous months. This is inconsistent with the statutory language, which specifies that buildings must be economically or functionally obsolete or have at least 50% vacancy in total leasable square footage. Furthermore, the bill does not mandate any specific time frame for qualifications. The addition of these arbitrary criteria undermines the bill's intent and unnecessarily limits eligibility.
- 3) **Overreach in Airport Vicinity Exemptions:** The statute exempts land located within the immediate vicinity of an airport, as defined in Ariz. Rev. Stat. § 28-8486, to ensure safety and compatibility with aviation operations. However, the map provided on page 6⁵ of the City's presentation goes beyond this intent, exempting areas far beyond the airport vicinity, including portions of Phoenix Sky Harbor's flight path. This overreach severely limits the number of eligible buildings for conversion. Furthermore, the City imposes additional height restrictions, even though many existing structures in Scottsdale already surpass the height and density standards outlined in the legislation.

Based on this interpretation, it appears unlikely that any new high-density development could be constructed anywhere within the City, as the entirety of Scottsdale is effectively deemed within the flight path. Yet, on November 19th, the Council approved zoning changes for the Axon corporate headquarters campus east of Hayden Road, just south of Loop 101, located near the Scottsdale Airport. This project is clearly within the vicinity of the airport. I must question why this project was allowed to proceed, while any potential development meeting the criteria of HB2297 is arbitrarily exempted. Shouldn't the same standard logically apply?

HB2297 was developed through collaboration with municipalities and was designed to benefit communities across Arizona through consistent and transparent standards. It is surprising that Scottsdale would act as an outlier by failing to comply with the statute, especially when other cities have appropriately aligned their ordinances with the law.

⁴ See Resolution No. 13253, Exhibit A, Page 11 as presented to the Scottsdale Planning Commission on October 23rd, 2024

<https://eservices.scottsdaleaz.gov/cityclerk/DocumentViewer/Show/7ead73ea-c8e8-4f60-aca7-b29342d3573c>

⁵ See 3-TA-2024, Page 6, State Law Requirements and City Compliance as presented to the Scottsdale Planning Commission on October 23rd, 2024

<https://eservices.scottsdaleaz.gov/cityclerk/DocumentViewer/Show/7ead73ea-c8e8-4f60-aca7-b29342d3573c>

Letter to Scottsdale Mayor and City Council

November 24, 2024

Page 3 of 3

I must emphasize the seriousness of this matter. The City's actions not only contravene the law but also jeopardize the legislative intent behind HB2297, which aims to address critical housing needs statewide.

I strongly urge the City to conduct an immediate legal review of Ordinance No. 4651 to address these discrepancies and ensure alignment with HB2297. Please contact me as soon as possible to confirm your course of action and provide a timeline for necessary revisions.

Respectfully,

A handwritten signature in black ink, appearing to read "LB", followed by a horizontal line and two dots.

Leo Biasiucci

Majority Leader – Legislative District 30

cc: Jim Thompson, City Manager, City of Scottsdale
Brad Carr, Planning & Development Area Manager, City of Scottsdale
Adam Yaron, Planning & Development Area Manager, City of Scottsdale
Tim Curtis, Planning Director, City of Scottsdale