

House Engrossed Senate Bill

~~landlords; property manager; contact information.~~
(now: municipalities; counties; construction hours)

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 181

SENATE BILL 1182

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-500.52; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA
REVISED STATUTES, BY ADDING SECTION 11-269.30; RELATING TO SUMMERTIME
CONSTRUCTION HOURS.

(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 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.52, to read:

4 9-500.52. Construction; summertime hours; prohibition on
5 restriction

6 A. A MUNICIPALITY MAY NOT ENACT OR ENFORCE ANY NOISE ORDINANCE,
7 RULE OR REGULATION THAT PROHIBITS ANY GENERAL CONSTRUCTION ACTIVITIES
8 BETWEEN MAY 1 AND OCTOBER 15 OF EACH YEAR BETWEEN THE HOURS OF 5:00 A.M.
9 AND 7:00 P.M. EACH BUSINESS DAY AND BETWEEN THE HOURS OF 7:00 A.M. AND
10 7:00 P.M. ON SATURDAY IF THE CONSTRUCTION WORK IS BEING PERFORMED PURSUANT
11 TO A VALIDLY ISSUED BUILDING PERMIT ISSUED BY THE MUNICIPALITY.

12 B. THE MUNICIPALITY SHALL ALLOW CONCRETE TO BE POURED AT LEAST ONE
13 HOUR BEFORE THE TIME THAT GENERAL CONSTRUCTION ACTIVITIES ARE REGULARLY
14 SCHEDULED TO BEGIN.

15 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes,
16 is amended by adding section 11-269.30, to read:

17 11-269.30. Construction; summertime hours; prohibition on
18 restriction

19 A. A COUNTY MAY NOT ENACT OR ENFORCE ANY NOISE ORDINANCE, RULE OR
20 REGULATION THAT PROHIBITS ANY GENERAL CONSTRUCTION ACTIVITIES BETWEEN MAY
21 1 AND OCTOBER 15 OF EACH YEAR BETWEEN THE HOURS OF 5:00 A.M. AND 7:00 P.M.
22 EACH BUSINESS DAY AND BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M. ON
23 SATURDAY IF THE CONSTRUCTION WORK IS BEING PERFORMED PURSUANT TO A VALIDLY
24 ISSUED BUILDING PERMIT ISSUED BY THE COUNTY.

25 B. THE COUNTY SHALL ALLOW CONCRETE TO BE POURED AT LEAST ONE HOUR
26 BEFORE THE TIME THAT GENERAL CONSTRUCTION ACTIVITIES ARE REGULARLY
27 SCHEDULED TO BEGIN.

28 Sec. 3. Emergency

29 This act is an emergency measure that is necessary to preserve the
30 public peace, health or safety and is operative immediately as provided by
31 law.

APPROVED BY THE GOVERNOR MAY 13, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2025.

PREFILED JAN 13 2025

REFERENCE TITLE: development; adaptive reuse; rezoning; prohibition

**State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025**

HB 2110

**Introduced by
Representative Biasiucci**

AN ACT

AMENDING SECTION 9-462.10, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 9-462.10, Arizona Revised Statutes, is amended to read:

9-462.10. Commercial buildings; multifamily residential development; adaptive reuse; prohibition on rezoning or municipal review; objective standards; applicability; definitions

A. ~~On or before January 1, 2025~~ WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, the governing body of a municipality with a population of one hundred fifty thousand or more persons shall establish objective standards to allow multifamily residential development or adaptive reuse ~~on not more than ten percent of the total~~ **OF** existing commercial, office or mixed use ~~buildings~~ **PARCELS** within the municipality without requiring a conditional use permit, a planned unit development or rezoning application or any other application that would require a public hearing. The governing body of the municipality ~~may modify the percentage of existing commercial, office or mixed use buildings within the municipality available for multifamily residential development or adaptive reuse every ten years~~ **SHALL**:

1. ALLOW FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE OF AT LEAST TEN PERCENT OF THE EXISTING COMMERCIAL, OFFICE OR MIXED USE PARCELS. FOR THE PURPOSES OF DETERMINING THE MINIMUM PERCENTAGE OF PARCELS ELIGIBLE FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE, THE GOVERNING BODY OF THE MUNICIPALITY MAY ANALYZE THE COMMERCIAL, OFFICE AND MIXED USE PARCELS EVERY TEN YEARS.

2. NOT DESIGNATE INDIVIDUAL PARCELS THAT ARE ELIGIBLE FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE.

3. NOT EXCLUDE COMMERCIAL, OFFICE OR MIXED USE PARCELS FROM MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE OTHER THAN AS ALLOWED BY SUBSECTIONS B AND G OF THIS SECTION OR IF TEN PERCENT OF THE PARCELS HAVE ALREADY BEEN DEVELOPED OR ADAPTED FOR REUSE.

4. NOT EXCLUDE COMMERCIAL, OFFICE OR MIXED USE PARCELS FROM MULTIFAMILY RESIDENTIAL DEVELOPMENT OR ADAPTIVE REUSE IF THE AVERAGE SOUND LEVEL AT THE PARCEL IS BELOW SIXTY-FIVE DECIBELS.

B. A municipality may designate commercial or employment hubs and other essential commercial or employment use areas where existing commercial, office, employment or mixed use ~~buildings~~ **PARCELS** are excluded from the provisions of this section. The designations made pursuant to this subsection may not exceed ten percent of the existing commercial, office, employment or mixed use ~~buildings~~ **PARCELS** within the municipality. A municipality may modify the commercial or employment hubs that are excluded from the provisions of this section once every ten years.

C. For multifamily residential development or adaptive reuse, the objective standards established by a municipality shall require ~~but may not require more than~~ **ONLY** the following:

1. A municipal site plan review and approval process requirement, including site plan review by any utility provider impacted by the proposed development.

2. Adequate public sewer and water service for the entire proposed development.

3. Compliance with all applicable building **CODES** and fire codes.

4. That the existing buildings are economically or functionally obsolete.

5. That the existing buildings are located on a parcel or parcels that are at least one acre in size but not more than twenty acres in size.

6. A set-aside of ten percent of the total dwelling units for either moderate-income housing or low-income housing or any combination of the two for at least twenty years after the initial occupation of the proposed development. The developer may set aside more than ten percent at the developer's sole discretion.

D. The objective standards may not contain parking space requirements that exceed the parking requirements that apply to multifamily residential buildings or adaptive reuse buildings under the existing zoning code unless the proposed multifamily residential development or adaptive reuse also qualifies as a mixed use development.

E. A municipality ~~may~~ **SHALL** not withhold a demolition permit if a multifamily residential development meets the requirements of this section. For a multifamily residential development, all of the following apply:

1. The demolition of all or a portion of the existing commercial, office or mixed use buildings shall be allowed.

2. Setback requirements may not exceed what is required in the existing zoning code for multifamily residential buildings.

3. Notwithstanding section 9-462.01, subsection C, the maximum height and density shall be equal to the highest allowable multifamily height and density for a multifamily zoning district in the municipality within one mile of the building to be redeveloped. If there is no multifamily zoning district in the municipality within one mile of the building to be redeveloped, the maximum height and density shall be equivalent to the next closest multifamily zoning district.

4. The ~~allowable height may not exceed five stories and a~~ municipality may limit the height to two stories in the areas of a **MULTIFAMILY RESIDENTIAL DEVELOPMENT** site **DIRECTLY ADJACENT TO AND** within ~~one hundred~~ **SEVENTY** feet of single-family residential zones. ~~Multifamily residential development that is constructed pursuant to this section does not qualify as being within one mile of the building being redeveloped or the next closest multifamily building~~ **THE MUNICIPALITY MAY ALLOW FOR GREATER HEIGHT IN THE REMAINDER OF THE SITE.**

F. A municipality ~~may~~ **SHALL** not withhold a demolition permit if an adaptive reuse project meets the requirements of this section. For adaptive reuse, all of the following apply:

1. The demolition of a portion of the existing commercial, office or mixed use building or buildings shall be allowed.

2. The setback requirements for the proposed use shall apply. If the minimum setback requirement that applies to the existing commercial, office or mixed use building is less than the minimum setback requirement that applies to the ~~proposed~~ **MULTIFAMILY** use, the existing ~~SETBACK SHALL REMAIN AND THE~~ building shall be considered nonconforming for setback purposes ~~unless easements, including public utility easements, are located within setback areas.~~

3. If the maximum allowable height that applies to the existing commercial, office or mixed use building exceeds the maximum allowable height for the proposed use, the existing height ~~may~~ **SHALL** remain and ~~THE BUILDING~~ shall be considered nonconforming for height purposes and the existing building may be expanded to the maximum allowable density for ~~the proposed~~ **MULTIFAMILY** use. Any rooftop appurtenances shall be included within the height exemption.

G. This section does not apply to any of the following:

1. Land in an area that is designated as a district of historical significance pursuant to section 9-462.01, subsection A, paragraph 10.

2. Land in an area that is designated historic by a local government.

3. Land in an area that is designated as historic on the national register of historic places.

4. Land in the territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461.

5. Land in the ~~territory in the~~ **IMMEDIATE** vicinity of a federal aviation administration commercially licensed airport or a general aviation or public airport as defined in section 28-8486.

6. Land in a municipality that is located on tribal land.

H. For the purposes of this section:

1. "Adaptive reuse" means converting an existing building from the use for which it was constructed to ~~a new~~ **MULTIFAMILY** use by maintaining some or all of the elements of the building.

2. "Building code" has the same meaning prescribed in section 9-1301.

3. "Economically or functionally obsolete" means the commercial, office or mixed use ~~building~~ **PARCEL** is in a state of disrepair or has **AT LEAST** a fifty percent vacancy in the total leasable square footage.

4. "Low-income housing" means housing~~:-~~

~~(a) for a person or persons whose household income does not exceed eighty percent of the area median income.~~

~~(b) For which the occupant pays not more than thirty percent 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.~~

5. "Moderate-income housing" means housing~~:-~~

(a) for a person or persons whose household income does not exceed one hundred twenty percent of the area median income.

~~(b) For which the occupant pays not more than thirty percent 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.~~

6. "Multifamily residential development" means a building or buildings that are designed and used for residential purposes and that contain more than one apartment or dwelling unit for sale or for rent but that are not adaptive reuse.

7. "Nonconforming" means structures that have received ~~building and zoning~~ OCCUPANCY permits under the regulations in place at the time of construction.

8. "Rooftop appurtenances":

(a) Means rooftop structures that principally house air conditioning equipment, solar panels, utilities, elevators, other energy production facilities and other nonhabitable structures.

(b) Includes open space features, swimming pools, space for use by residents and landscaping.

(c) Does not include enclosed areas, spires, bell towers, domes, cupolas, pediments, obelisks or monuments.

Sec. 2. Retroactivity.

Section 9-462.10, Arizona Revised Statutes, as amended by this act, applies retroactively to from and after December 31, 2024.

Sec. 3. Emergency.

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.