

ATTACHMENT B



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Zoning Ordinance Text Amendment Z-TA-9-24-Y January 27, 2025

Application No. Z-TA-9-24-Y: Amend the Phoenix Zoning Ordinance Chapter 2, Section 202 (Definitions) to revise and clarify definitions regarding affordable housing and related items; replace Chapter 7, Section 711 (Planned Development--Reserved) to establish standards for Multi-Family Conversion of obsolete commercial, office, and/or mixed-use buildings; and replace Section 712 (Mobile Home Parks--Reserved) to establish development standards for adaptive reuse of existing buildings.

Staff recommendation: Staff recommends approval of Z-TA-9-24-Y per the language proposed in Exhibit A.

BACKGROUND

This text amendment is a response to House Bill 2297, approved by the Fifty-Sixth Legislature, Second Session (2024) which modified the Arizona Revised Statutes § 9-462.10 to require municipalities to allow multi-family conversion and adaptive reuse of existing “economically or functionally obsolete” commercial, office, and/or mixed-used buildings by right. However, the permissions are restricted to “not more than 10% of the total existing commercial, office or mixed-use buildings within the municipality,” and also must comply with certain development standards and requirements, including the provision of at least 10% of the dwelling units for low-income or moderate-income housing. Qualifying sites may be located anywhere within the City, unless located in one of the areas exempted under the statute.

PURPOSE

This amendment to the Zoning Ordinance, Z-TA-9-24-Y, is intended to create by-right permissions for multi-family conversion and adaptive reuse of existing economically or functionally obsolete commercial, office, and mixed-use buildings, City-wide, as required by the revised statute.

PROPOSAL

Staff recommends creation of a new section of the Zoning Ordinance, Section 711, to allow conversion of existing obsolete commercial, office, or mixed-use buildings city-wide in a limited capacity, as well as codify the permissions for adaptive reuse of existing buildings in a new Section 712, per the provisions of A.R.S. § 9-462.10.

DESCRIPTION OF THE PROPOSED TEXT AMENDMENT

The proposed text amendment includes three main components: 1) new and revised definitions; 2) creation of a new Section 711, Multi-Family Conversion, and 3) creation of a new Section 712, Adaptive Reuse.

1. New and Revised Definitions

The following new definitions are proposed:

- Economically or Functionally Obsolete
- Housing, Workforce
- Multi-Family Conversion

The following existing definitions are proposed to be revised:

- Adaptive Reuse
- Commercial Use
- Housing, Affordable

A.R.S. § 9-462.10 provides the definition for “Economically or Functionally Obsolete”, and that language is used for the Zoning Ordinance definition. The same applies to “Adaptive Reuse”, which already had a definition in the Zoning Ordinance, but has been updated to use language more similar to that provided in the statute.

The change proposed for “Housing, Affordable” and the new definition for “Housing, Workforce” are written to match the language typically used by the City of Phoenix Housing Department: “Affordable Housing” is low-income housing, meaning for residents earning up to 80% of the area median income; and “Workforce Housing” is moderate-income housing, meaning for residents earning from 80% to 120% of the area median income.

The definition of “Commercial Use” was revised to be more descriptive and identify a “commercial” building, which in addition to office buildings and/or mixes of the two,

are the only type of existing buildings qualified for conversion to multi-family per the provisions of the statute.

The definition of “Multi-Family Conversion” was created to make clear that it is not the same as the general term “multi-family development”. “Multi-Family Conversion” is specifically defined as redevelopment of existing qualifying obsolete buildings with multi-family housing, including the provision of affordable and/or workforce housing in accordance with A.R.S. § 9-462.10 and the new Section 711.

2. Creation of a new Section 711, Multi-Family Conversion.

The existing Section 711, Planned Development, is “reserved” and provides no language or regulations, except for the title. This text amendment proposes to replace the title and use the section for regulations regarding Multi-Family Conversion.

A.R.S. § 9-462.10 requires that the City designate “not more than 10% of the total existing commercial, office, or mixed use buildings within the municipality” for adaptive reuse and/or multi-family conversion, by right (i.e. no public hearings). However, there are eligibility criteria provided in the statute, which in turn are provided in the standards of Section 711.

Objective Standards

A municipality must require the following objective standards, but no more, to qualify for the by-right permissions of A.R.S. § 9-462.10:

- An administrative site plan review process.
- Determination of adequate public water and sewer to serve the site.
- Compliance with all applicable building construction and fire codes.
- Determination that any existing on-site building is “economically and functionally obsolete”.
- A minimum parcel size of one acre, and a maximum size of 20 acres.
- Requirement that a minimum of 10% of the provided dwelling units are either low- and/or moderate-income housing (affordable and/or workforce housing).

Height and Density

In addition to the Objective Standards, by-right multi-family development has requirements regarding permitted height and density:

- Permitted height is 5 stories and 56 feet, except where within 100 feet of single-family zoned properties, where the height is limited to two stories and 30 feet.
- Density shall be equal to the highest allowable density within one mile of the building to be redeveloped.

Other Development Standards

Section 711 also provides direction on development standards applicable to a Multi-Family Conversion other than height and density, summarized as follows:

- Sites zoned Downtown Code (DTC) must comply with the height provisions of A.R.S. § 9-462.10, but density is unlimited since all of Downtown is located within one mile of the DTC Business Core Character Area, which has no density restrictions. All other development standards to be applied are the same as for any other DTC development.
- Sites not located within Downtown but in a Transit-Oriented Community (TOC) area must comply with the height provisions of A.R.S. § 9-462.10, but density is unlimited since the TOC areas have been designated for future rezoning to the Walkable Urban Code (WU Code, Chapter 13), which also has no density restrictions. All other development standards to be applied in a TOC area are the same as for a multi-family development zoned WU Code.
- All other sites must comply with the height provisions of A.R.S. § 9-462.10, and with all other development standards that are applied for multi-family development in the R-3 zoning district. This is consistent with how multi-family development is permitted in the City's commercial zoning districts. The only exception is permitted density. Upon the applicant's request, the density of the development may be increased to match the maximum density of a multi-family zoned site located within one mile of the proposed Multi-Family Conversion site.

Site Eligibility

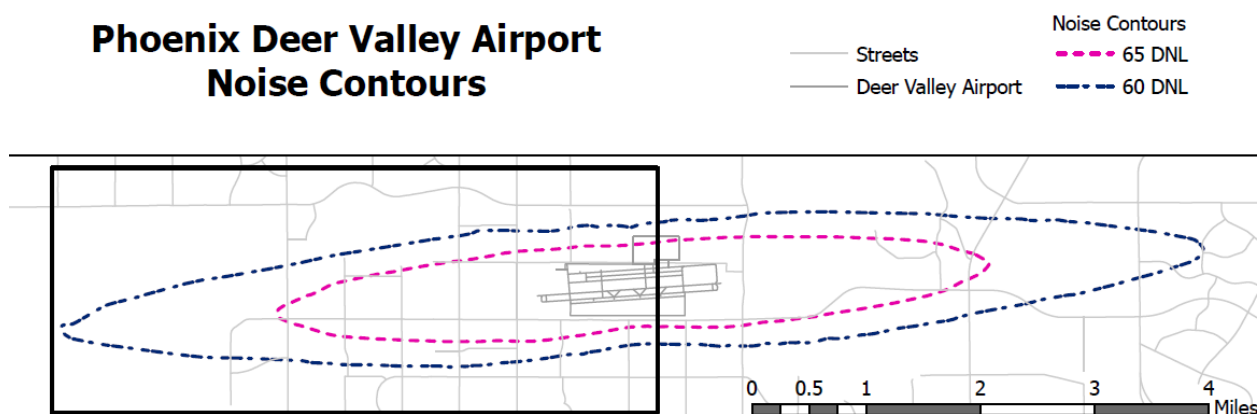
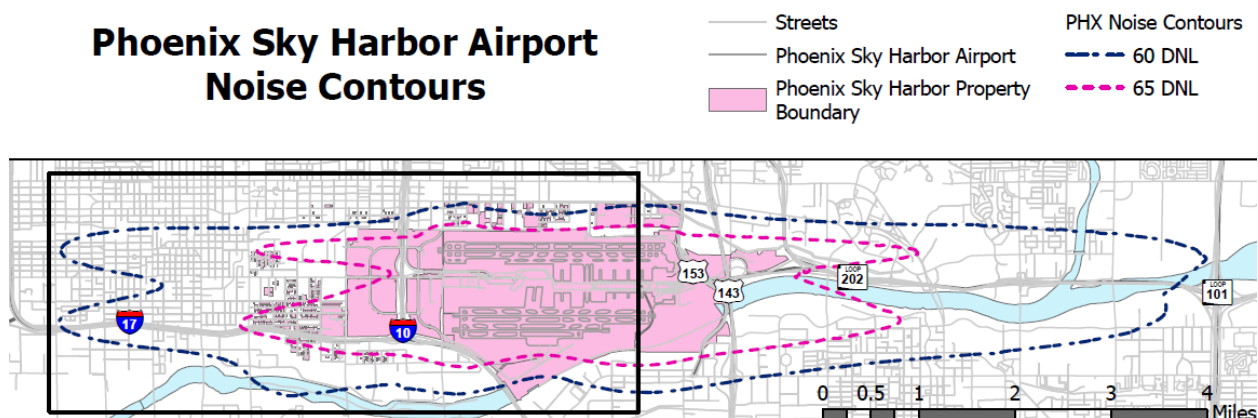
Section 711 proposes a process by which an application is submitted to the Planning and Development Department to demonstrate how the proposed site will comply with the required Objective Standards required by the statute. Upon review of the application, if determined to be eligible, the City would then provide a written notice of eligibility, which would then allow the development review process, including plan submittals, to commence. If a site is deemed ineligible per the provisions of the statute, the written notice will provide the reason(s) why the application was denied.

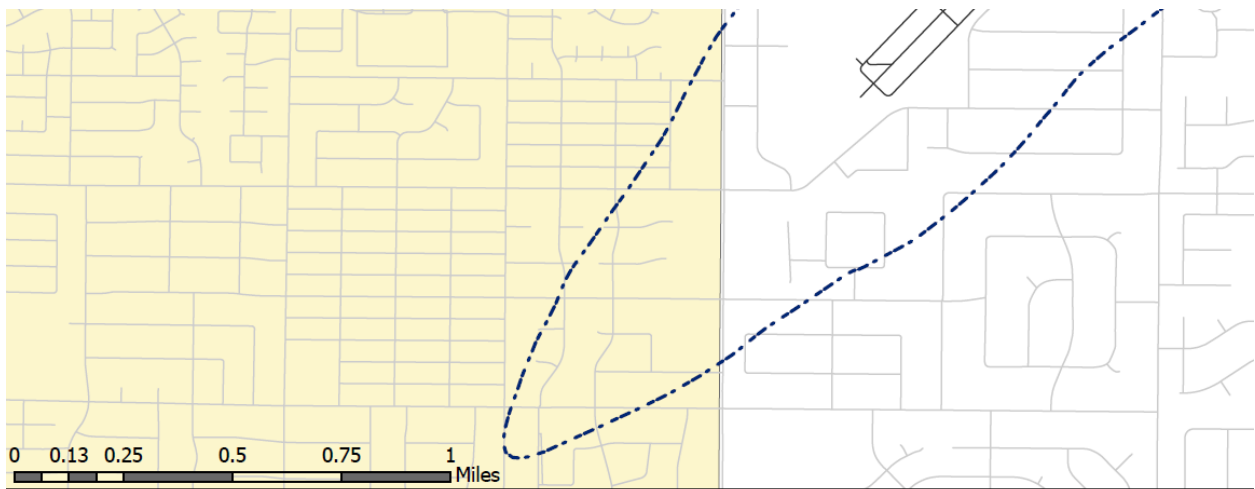
Exemptions

A.R.S. § 9-462.10 also includes exemptions for properties adjacent to FAA-licensed airports, properties designated as historic, and tribal lands. Section 711 includes these exemptions. The exemptions related to airports fall within the “territory in the vicinity of a public airport”, which under State statute, means the areas within the 60 decibel day-night average sound level. The airports which created exempted areas within the City of Phoenix are as follows:

- Phoenix Sky Harbor Airport
- Phoenix Deer Valley Airport
- Scottsdale Airport

The areas are mapped as follows:





Scottsdale Airport Noise Contour

— Streets
— Scottsdale Airport
— 60 DNL
— City of Phoenix Limit

3. Creation of a new Section 712, Adaptive Reuse.

The existing Section 712, Mobile Home Parks, is “reserved” and provides no language or regulations, except for the title. This text amendment proposes to replace the title and use the section for regulations regarding Adaptive Reuse.

A.R.S. § 9-462.10 also addresses “adaptive reuse” and provides a definition, which is not identical to the City’s existing definition, but close. It has been updated, but with a provision that any building qualifying for adaptive reuse must also still be considered a “building” (roof and walls). This is consistent with the provision in A.R.S. § 9-462.10 which only allow “partial demolition” for buildings subject to adaptive reuse.

The same Objective Standards which apply for Multi-Family Conversion also apply to Adaptive Reuse, though the requirement to provide Affordable and/or Workforce Housing apply only when dwelling units are provided. The language provided regarding demolition, applicable setbacks, permitted height, parking, and site improvements adapts key provisions of A.R.S. § 9-462.10 for application to adaptive reuse projects.

The application of Section 712 is not anticipated to require any modifications to the City’s existing adaptive reuse program. It has been created primarily to codify the required adaptive reuse provisions of A.R.S. § 9-462.10.

CONCLUSION

Staff recommends approval of Z-TA-9-24-Y per the language proposed in Exhibit A.

Writer

C. DePerro
January 27, 2025

Exhibits

A. Proposed Language

Exhibit A

Staff proposed language that may be modified during the public hearing process is as follows:

Amend Chapter 2, Section 202 (Definitions) to add or modify definitions as follows:

Adaptive Reuse: Adaptive Reuse is the practice of ~~adapting existing buildings for new purposes when the original use of a building changes or becomes obsolete~~
CONVERTING AN EXISTING BUILDING FROM THE USE FOR WHICH IT WAS
CONSTRUCTED TO A NEW USE, WHILE RETAINING ENOUGH OF THE EXISTING
BUILDING TO MAINTAIN COMPLIANCE WITH THE DEFINITION OF "BUILDING"
PROVIDED IN THIS SECTION.

Building: A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel.

Commercial Use: A use, operated for profit or compensation, THAT PROVIDES
CONSUMER PRODUCTS AND SERVICES, ENTERTAINMENT, RECREATION OR
AMUSEMENT BUSINESSES, OR HOSPITALITY AND TOURISM TRADES, OR
SIMILAR. COMMERCIAL USES SHALL HAVE AN ON-SITE PUBLIC POINT OF SALE
OR SERVICE.

ECONOMICALLY OR FUNCTIONALLY OBSOLETE: A BUILDING THAT IS IN A STATE
OF DISREPAIR OR HAS AT LEAST A 50 PERCENT VACANCY RATE IN THE TOTAL
LEASABLE SQUARE FOOTAGE.

~~*Affordable Housing, AFFORDABLE:*~~ Residential or mixed-use development providing
UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
or other assisted low-income housing, as verified by the Phoenix Housing Department;
typically includes dwelling unit(s) committed for a minimum term through covenants or
restrictions to households with incomes at 80 percent or less of the area median income,
as defined by HUD. ~~the United States Department of Housing and Urban Development for
the City.~~

HOUSING, WORKFORCE: RESIDENTIAL OR MIXED-USE DEVELOPMENT
PROVIDING UNITED STATES DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT (HUD) OR OTHER ASSISTED MODERATE-INCOME HOUSING, AS

VERIFIED BY THE PHOENIX HOUSING DEPARTMENT; TYPICALLY INCLUDES DWELLING UNIT(S) COMMITTED FOR A MINIMUM TERM THROUGH COVENANTS OR RESTRICTIONS TO HOUSEHOLDS WITH INCOMES OF AT LEAST 80 PERCENT AND UP TO 120 PERCENT OF THE AREA MEDIAN INCOME, AS DEFINED BY HUD.

MULTI-FAMILY CONVERSION: REDEVELOPMENT OF A SITE FOR MULTI-FAMILY HOUSING THAT HAS AN ECONOMICALLY OR FUNCTIONALLY OBSOLETE COMMERCIAL, OFFICE, OR MIXED-USE BUILDING, PER THE PROVISIONS OF A.R.S. § 9-462.10, AND SECTION 711 OF THE ZONING ORDINANCE.

Amend Chapter 7, Section 711 (Planned Development) to strike everything, and replace with the following text:

SECTION 711. MULTI-FAMILY CONVERSION

- A. **PURPOSE.** THIS SECTION DESCRIBES ELIGIBILITY REQUIREMENTS, REVIEW PROCEDURES, AND DEVELOPMENT STANDARDS UTILIZED BY THE PLANNING AND DEVELOPMENT DEPARTMENT WHEN REVIEWING AN APPLICATION FOR MULTI-FAMILY CONVERSION OF QUALIFIED OBSOLETE COMMERCIAL BUILDINGS PURSUANT TO A.R.S. § 9-462.10. THE REGULATIONS IN THIS SECTION ARE IN ADDITION TO OTHER CODES AND REQUIREMENTS OF THE CITY OF PHOENIX.
- B. **APPLICABILITY.** MULTI-FAMILY CONVERSION MAY BE PERMITTED FOR EXISTING COMMERCIAL, OFFICE, OR MIXED-USE BUILDINGS IN ANY ZONING DISTRICT, WHEN ALSO IN COMPLIANCE WITH THE REGULATIONS OF THIS SECTION. A REQUEST TO REZONE THE PROPERTY THROUGH THE PUBLIC HEARING PROCESS PURSUANT TO SECTION 506.B IS NOT REQUIRED TO ENTITLE A SITE FOR MULTI-FAMILY CONVERSION. LAND USE CONFORMITY PURSUANT TO SECTION 600 IS ALSO NOT APPLICABLE TO THIS SECTION.
- C. **SITE ELIGIBILITY.** A PROPERTY IS ELIGIBLE FOR MULTI-FAMILY CONVERSION WHEN IN COMPLIANCE WITH ALL OF THE FOLLOWING:
 - 1. THE PROPERTY IS NOT LOCATED WITHIN ONE OF THE STATUTORY EXEMPTED AREAS AS SET FORTH IN SECTION 711.G.1.

2. THE PROPERTY IS NOT LOCATED WITHIN ONE OF THE DESIGNATED EXCLUDED AREAS AS SET FORTH IN SECTION 711.G.2.
3. THE PROPERTY IS AT LEAST ONE ACRE, BUT NOT MORE THAN 20 ACRES IN SIZE.
4. THE PROPERTY CONTAINS A COMMERCIAL, OFFICE, OR MIXED-USE BUILDING THAT EXISTED AS OF MARCH 21, 2025 AND IS ECONOMICALLY OR FUNCTIONALLY OBSOLETE.
5. THE PROPOSED REDEVELOPMENT WILL DESIGNATE AT LEAST 10 PERCENT OF THE TOTAL DWELLING UNITS PROVIDED FOR AFFORDABLE HOUSING OR WORKFORCE HOUSING, OR ANY COMBINATION OF THE TWO FOR AT LEAST 20 YEARS AFTER INITIAL OCCUPATION.
6. AVAILABILITY FOR THE PROPERTY TO UTILIZE MULTI-FAMILY CONVERSION EXISTS AT THE TIME OF APPLICATION, AS SET FORTH IN SECTION 711.E.5.a.

D. VERIFICATION OF SITE ELIGIBILITY.

1. **APPLICATION FOR SITE ELIGIBILITY.** AN APPLICATION SHALL BE FILED WITH THE PLANNING AND DEVELOPMENT DEPARTMENT FOR ANY REQUEST TO UTILIZE THE PROVISIONS OF THIS SECTION, AND INCLUDE (AT A MINIMUM) THE FOLLOWING ITEMS:
 - a. APPLICANT NAME AND CONTACT INFORMATION.
 - b. PROPERTY OWNER NAME AND CONTACT INFORMATION.
 - c. PARCEL INFORMATION: LOCATION/ADDRESS(ES), NET SIZE(S), AND EXISTING ZONING CLASSIFICATION(S).

- d. A WRITTEN NARRATIVE AND SUPPORTING DOCUMENTATION, SATISFACTORY TO THE PLANNING AND DEVELOPMENT DEPARTMENT, THAT DEMONSTRATES COMPLIANCE WITH EACH OF THE ELIGIBILITY REQUIREMENTS SET FORTH IN SECTION 711.C.
 - (1) THE DOCUMENTATION PROVIDED FOR 711.C.4 MUST EXPLICITLY SHOW HOW THE BUILDING IS IN DISREPAIR, OR THAT THE BUILDING HAS A VACANCY RATE OF AT LEAST 50 PERCENT.
 - (2) THE DOCUMENTATION PROVIDED FOR 711.C.5 MUST STATE THE TOTAL PROPOSED NUMBER OF DWELLING UNITS, THE PROPOSED NUMBER OF AFFORDABLE HOUSING UNITS, THE PROPOSED NUMBER OF WORKFORCE DWELLING UNITS, AND THE TIME PERIOD PROPOSED FOR RESTRICTION OF THE UNITS.
- 2. **WRITTEN NOTICE OF SITE ELIGIBILITY.** UPON COMPLETION OF THE APPLICATION REVIEW, THE PLANNING AND DEVELOPMENT DEPARTMENT SHALL ISSUE A WRITTEN NOTICE AS FOLLOWS:
 - a. NOTICE FOR A SITE NOT VERIFIED AS ELIGIBLE FOR MULTI-FAMILY CONVERSION SHALL INCLUDE THE SPECIFIC REASON(S) THAT THE SITE WAS DETERMINED TO BE INELIGIBLE.
 - b. NOTICE FOR A SITE VERIFIED AS ELIGIBLE FOR MULTI-FAMILY CONVERSION SHALL INCLUDE THE DATE BY WHICH SUBSEQUENT SUBMITTALS MUST BE MADE IN ORDER TO RETAIN ELIGIBILITY FOR MULTI-FAMILY CONVERSION.
- E. **DEVELOPMENT REVIEW FOR MULTI-FAMILY CONVERSION.** A PROPERTY THAT HAS BEEN VERIFIED AS ELIGIBLE FOR MULTI-FAMILY CONVERSION PER THE PROVISIONS OF THIS SECTION MAY PROCEED WITH DEVELOPMENT REVIEW AS SET FORTH IN SECTION 507, WITH THE FOLLOWING ADDITIONAL REQUIREMENTS.

1. **SITE PLAN.** SITE PLAN APPROVAL IS REQUIRED FOR A MULTI-FAMILY CONVERSION.
 - a. **PRELIMINARY SITE PLAN APPROVAL.** PRIOR TO ISSUANCE OF PRELIMINARY SITE PLAN APPROVAL, ANY REQUIRED DEED RESTRICTIONS AND/OR OTHER PERMANENT RESTRICTIONS MUST BE EXECUTED AND RECORDED. THE RESTRICTIONS MUST BE IN CONFORMANCE WITH THE SUBMITTED DOCUMENTATION REGARDING THE PROVISION OF AFFORDABLE AND/OR WORKFORCE HOUSING, PER SECTION 711.D.1.d(2).
 - b. **FINAL SITE PLAN APPROVAL.** ANY SITE PLAN APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL INCLUDE THE FOLLOWING NOTE: "THIS SITE PLAN WAS APPROVED FOR MULTI-FAMILY CONVERSION IN ACCORDANCE WITH THE PROVISIONS OF A.R.S. § 9-462.10 AND SECTION 711 OF THE ZONING ORDINANCE."
2. **WATER AND SEWER.** ADEQUATE WATER AND SEWER SERVICE FOR THE PROPOSED REDEVELOPMENT, AS DETERMINED BY THE WATER SERVICES DEPARTMENT, MUST BE AVAILABLE TO THE SITE.
3. **UTILITIES REVIEW.** THE CITY MAY ROUTE THE SITE PLAN FOR REVIEW BY ANY OTHER UTILITY PROVIDER IMPACTED BY THE PROPOSED DEVELOPMENT TO DETERMINE ADEQUACY OF AVAILABLE SERVICES.
4. **CONSTRUCTION AND FIRE CODES.** ALL BUILDINGS WITHIN THE DEVELOPMENT MUST COMPLY WITH ALL APPLICABLE CONSTRUCTION AND FIRE CODES.
5. **LIMITS AND OCCUPANCY REQUIREMENTS.**
 - a. **LIMIT ON NUMBER OF ELIGIBLE BUILDINGS.** NO MORE THAN 10 PERCENT OF THE COMMERCIAL, OFFICE, OR MIXED-USE BUILDINGS EXISTING WITHIN THE CITY OF PHOENIX AS OF MARCH 21, 2025 MAY BE REDEVELOPED UNDER THE PROVISIONS OF SECTION 711.

b. **TIME LIMITATION OF SITE ELIGIBILITY.** A SITE THAT IS VERIFIED TO BE ELIGIBLE FOR MULTI-FAMILY CONVERSION SHALL ONLY RETAIN ELIGIBILITY FOR THE LATER OF:

- (1) ONE YEAR FROM THE VERIFICATION OF SITE ELIGIBILITY AS STATED IN THE WRITTEN NOTICE OF ELIGIBILITY, PER SECTION 711.D.2; OR
- (2) TWO YEARS FROM THE DATE OF A PRELIMINARY SITE PLAN APPROVAL; OR
- (3) AS LONG AS BUILDING PERMITS ISSUED FOR THE DEVELOPMENT HAVE NOT EXPIRED.

IF ELIGIBILITY EXPIRES, A NEW REQUEST PER THE PROVISIONS OF 711.D.1 IS REQUIRED, WHICH MAY BE DENIED IF ELIGIBILITY IS NO LONGER AVAILABLE, AS SET FORTH IN SECTION 711.E.5.a.

c. **CERTIFICATE OF OCCUPANCY (C OF O).** NO CERTIFICATE OF OCCPUANCY SHALL BE ISSUED FOR A MULTI-FAMILY CONVERSION UNTIL THE PROVISION OF AFFORDABLE AND/OR WORKFORCE HOUSING HAS BEEN CONFIRMED TO CONFORM WITH THE REQUIREMENTS OF THE RESTRICTIONS RECORDED AGAINST THE PROPERTY.

6. **ENTITLEMENT FOR MULTI-FAMILY CONVERSION.** A DEVELOPMENT SHALL BE CONSIDERED TO BE PERMANENTLY ENTITLED FOR MULTI-FAMILY CONVERSION UPON ISSUANCE OF AT LEAST ONE CERTIFICATE OF OCCUPANCY IN ACCORDANCE WITH SECTION 711.E.5.c.

F. **DEVELOPMENT STANDARDS AND REQUIREMENTS.** MULTI-FAMILY CONVERSION DEVELOPMENTS SHALL COMPLY WITH THE FOLLOWING STANDARDS AND REQUIREMENTS:

1. **DEMOLITION.** THE DEMOLITION OF ALL OR A PORTION OF THE EXISTING COMMERCIAL, OFFICE OR MIXED-USE BUILDING OR BUILDINGS SHALL BE ALLOWED.
2. **SETBACKS.** SETBACKS FOR MULTI-FAMILY CONVERSION SHALL BE AS FOLLOWS:
 - a. FOR SITES ZONED DOWNTOWN CODE (DTC), THE SAME AS REQUIRED FOR MULTI-FAMILY DEVELOPMENT PER THE APPLICABLE CHARACTER AREA REGULATIONS AND OTHER APPLICABLE REGULATIONS AS SET FORTH IN CHAPTER 12.
 - b. FOR SITES LOCATED WITHIN A DESIGNATED TRANSIT-ORIENTED COMMUNITY (TOC) BUT NOT ZONED DTC, THE SAME AS REQUIRED FOR MULTI-FAMILY DEVELOPMENT PER CHAPTER 13, WALKABLE URBAN CODE, TRANSECT T5:5.
 - c. FOR SITES NOT LOCATED WITHIN A DESIGNATED TOC, THE SAME AS REQUIRED FOR MULTI-FAMILY DEVELOPMENT ZONED R-3 (SECTION 615), AS MAY BE MODIFIED BY ANY EXISTING SPECIAL PLANNING DISTRICT, SPECIFIC PLAN, NEIGHBORHOOD PLAN, OR SIMILAR REGULATORY PLAN APPLICABLE TO THE SITE.
3. **HEIGHT.** THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED:
 - A. TWO STORIES AND 30 FEET, WHEN LOCATED WITHIN 100 FEET OF A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT.
 - B. FIVE STORIES AND 56 FEET, WHEN GREATER THAN 100 FEET FROM A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT.
4. **DENSITY.** THE MAXIMUM DENSITY PERMITTED SHALL BE AS FOLLOWS:
 - a. FOR SITES ZONED DOWNTOWN CODE (DTC), UNLIMITED DENSITY IS PERMITTED.

- b. FOR SITES LOCATED WITHIN A DESIGNATED TRANSIT-ORIENTED COMMUNITY (TOC) BUT NOT ZONED DTC, UNLIMITED DENSITY IS PERMITTED.
 - c. FOR SITES NOT LOCATED WITHIN A DESIGNATED TOC, THE SAME AS REQUIRED FOR MULTI-FAMILY DEVELOPMENT ZONED R-3 (SECTION 615), AS MAY BE MODIFIED BY ANY EXISTING SPECIAL PLANNING DISTRICT, SPECIFIC PLAN, NEIGHBORHOOD PLAN, OR SIMILAR REGULATORY PLAN APPLICABLE TO THE SITE.
 - d. **ADDITIONAL DENSITY PROVISION.** UPON REQUEST BY THE APPLICANT, A SITE SHALL BE PERMITTED A MAXIMUM DENSITY EQUIVALENT TO AN EXISTING SITE HAVING MULTI-FAMILY ZONING LOCATED WITHIN THE CITY OF PHOENIX AND WITHIN ONE MILE OF THE PROPOSED MULTI-FAMILY CONVERSION SITE. IF THERE IS NO SITE HAVING MULTI-FAMILY ZONING IN THE CITY OF PHOENIX WITHIN ONE MILE OF THE SITE TO BE REDEVELOPED, THE MAXIMUM DENSITY PERMITTED SHALL BE EQUIVALENT TO WHAT IS ALLOWED FOR THE NEXT CLOSEST SITE HAVING MULTI-FAMILY ZONING LOCATED IN THE CITY OF PHOENIX. THE APPLICANT SHALL IDENTIFY THE SITE TO BE USED BY STAFF FOR EVALUATION OF THIS PROVISION.
- 5. **OTHER DEVELOPMENT STANDARDS.** A MULTI-FAMILY CONVERSION SHALL COMPLY WITH ALL OTHER APPLICABLE MULTI-FAMILY DEVELOPMENT STANDARDS, AS FOLLOWS:
 - a. FOR SITES ZONED DOWNTOWN CODE (DTC), THE SAME AS REQUIRED FOR MULTI-FAMILY DEVELOPMENT PER THE APPLICABLE CHARACTER AREA REGULATIONS AND OTHER APPLICABLE REGULATIONS AS SET FORTH IN CHAPTER 12.
 - b. FOR SITES LOCATED WITHIN A DESIGNATED TRANSIT-ORIENTED COMMUNITY (TOC) BUT NOT ZONED DTC, THE SAME AS REQUIRED FOR MULTI-FAMILY DEVELOPMENT PER CHAPTER 13, WALKABLE URBAN CODE, TRANSECT T5:5.

- c. FOR SITES NOT LOCATED WITHIN A DESIGNATED TOC, THE SAME AS REQUIRED FOR MULTI-FAMILY DEVELOPMENT ZONED R-3 (SECTION 615), AS MAY BE MODIFIED BY ANY EXISTING SPECIAL PLANNING DISTRICT, SPECIFIC PLAN, NEIGHBORHOOD PLAN, OR SIMILAR REGULATORY PLAN APPLICABLE TO THE SITE.

G. EXEMPTIONS AND EXCLUDED AREAS.

- 1. **EXEMPTIONS.** THE FOLLOWING PROPERTIES ARE NOT ELIGIBLE TO UTILIZE THE PROVISIONS OF THIS SECTION FOR MULTI-FAMILY CONVERSION PURSUANT TO A.R.S. SECTION 9-462.10:

- a. PROPERTIES ZONED HP OR HP-L;
- b. PROPERTIES DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER OF HISTORIC PLACES;
- c. LAND IN THE TERRITORY IN THE VICINITY OF: PHOENIX SKY HARBOR INTERNATIONAL AIRPORT; PHOENIX DEER VALLEY AIRPORT; AND SCOTTSDALE AIRPORT; EACH OF WHICH IS A FEDERAL AVIATION ADMINISTRATION COMMERCIALY-LICENSED AIRPORT OR A GENERAL AVIATION OR PUBLIC AIRPORT AS DEFINED IN A.R.S. SECTION 28-8486.
- d. LAND IN THE TERRITORY IN THE VICINITY OF A MILITARY AIRPORT OR ANCILLARY MILITARY FACILITY AS DEFINED IN A.R.S. SECTION 28-8461; AND
- e. LAND LOCATED IN THE CITY THAT IS LOCATED ON TRIBAL LAND.

- 2. **EXCLUDED AREAS.** RESERVED.

Amend Chapter 7, Section 712 (Mobile Home Parks) to strike everything, and replace with the following text:

SECTION 712. ADAPTIVE REUSE

- A. **PURPOSE.** THIS SECTION ESTABLISHES DEVELOPMENT STANDARDS FOR ADAPTIVE REUSE OF EXISTING BUILDINGS.
- B. **APPLICABILITY.** THE PROVISIONS OF THIS SECTION APPLY TO THE ADAPTIVE REUSE OF EXISTING BUILDINGS. AN ADAPTIVE REUSE PROJECT MUST ALSO COMPLY WITH THE FOLLOWING:
 - 1. **SITE PLAN.** A SITE PLAN, PER THE PROVISIONS OF SECTION 507, DEVELOPMENT REVIEW APPROVAL, IS REQUIRED UNLESS WAIVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
 - 2. **WATER AND SEWER.** ADEQUATE WATER AND SEWER SERVICE, AS DETERMINED BY THE WATER SERVICES DEPARTMENT, MUST BE PROVIDED TO THE SITE.
 - 3. **CONSTRUCTION AND FIRE CODES.** ALL BUILDINGS WITHIN THE DEVELOPMENT MUST COMPLY WITH ALL APPLICABLE CONSTRUCTION AND FIRE CODES.
 - 4. **OBSOLETE BUILDINGS.** THE EXISTING BUILDING(S) MUST BE ECONOMICALLY OR FUNCTIONALLY OBSOLETE.
- B. **ADAPTIVE REUSE REGULATIONS.**
 - 1. **DEMOLITION.** THE DEMOLITION OF A PORTION OF THE EXISTING OBSOLETE BUILDING OR BUILDINGS SHALL BE ALLOWED, AS PERMITTED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

2. **SETBACKS.** THE SETBACK REQUIREMENTS FOR THE PROPOSED USE SHALL APPLY. IF THE MINIMUM SETBACK REQUIREMENT THAT APPLIES TO THE EXISTING BUILDING IS LESS THAN THE MINIMUM SETBACK REQUIREMENT THAT APPLIES TO THE PROPOSED USE, THE EXISTING BUILDING SHALL BE CONSIDERED NONCONFORMING FOR SETBACK PURPOSES.
3. **HEIGHT.** IF THE MAXIMUM ALLOWABLE HEIGHT THAT APPLIES TO THE EXISTING BUILDING EXCEEDS THE MAXIMUM ALLOWABLE HEIGHT FOR THE PROPOSED USE, THE EXISTING HEIGHT MAY REMAIN AND SHALL BE CONSIDERED NONCONFORMING FOR HEIGHT PURPOSES.
4. **PARKING.** PARKING REQUIREMENTS FOR AN ADAPTIVE REUSE PROJECT SHALL BE THE LESSER OF:
 - A. STANDARD PARKING REQUIREMENTS FOR THE PROPOSED USE(S) IN THE APPLICABLE ZONING DISTRICT; OR
 - B. PARKING REQUIREMENTS IN ACCORDANCE WITH POLICIES FOR ADAPTIVE REUSE ADOPTED BY CITY COUNCIL.
5. **SITE IMPROVEMENTS.** THE ON-SITE IMPROVEMENTS REQUIRED FOR AN ADAPTIVE REUSE PROJECT SHALL BE AS REQUIRED FOR THE PROPOSED USE IN THE APPLICABLE ZONING DISTRICT, UNLESS OTHERWISE PERMITTED BY POLICIES FOR ADAPTIVE REUSE ADOPTED BY CITY COUNCIL.
