



# Planning and Zoning Report

**Date:** June 11, 2025

**To:** Planning and Zoning Board

**Through:** Marc Heirshberg, Deputy City Manager

**From:** Nana Appiah, Development Services Director  
Mary Kopaskie-Brown, Planning Director  
Rachel Phillips, Assistant Planning Director

**Subject:** Mesa Zoning Ordinance text amendment (**2025 Adaptive Reuse Permit**)-  
Proposed amendments to Chapters 81 and 87 of the Mesa City Code.  
(**Citywide**)

## Recommendation

Staff recommends that the Planning and Zoning Board recommend that City Council adopt the proposed Mesa Zoning Ordinance (MZO) 2025 Adaptive Reuse Permit text amendments.

## Purpose

Staff is recommending certain amendments to Chapter 81 and 87 of the MZO in response to recent state legislation concerning adaptive reuse.

On December 9, 2024, the City Council adopted Ordinance No. 5904, adding Chapter 81: Adaptive Reuse Permit to the MZO. This action was in response to House Bill 2297, which enacted A.R.S. § 9-462.10, requiring municipalities to establish objective standards and allow the adaptive reuse of 10% of the municipalities existing office, commercial, and mixed-use buildings without a public hearing.

On April 7, 2025, Governor Hobbs signed House Bill 2210, as an emergency measure, amending A.R.S. § 9-462.10. As a result, municipalities must adopt corresponding amendments within 90 days of the bill's effective date.

Details of the proposed text amendments are attached in Exhibit 1 – 2025 Adaptive Reuse Permit Ordinance. Specifically, the proposed text amendments:

1. Modify terms to reflect eligibility of existing commercial, office, and mixed-use parcels rather than buildings.

2. Modify the land use regulations to allow adaptive reuse exclusively for multi-family use.
3. Modify the development standards for Multiple Residence Reuse Development and projects containing non-conforming structures.
4. Update certain definitions to be consistent with House Bill 2110.

## **Discussion**

1. **Modify terms to reflect eligibility of existing commercial, office, and mixed-use parcels rather than buildings.**

House Bill 2110 amended A.R.S. § 9-462.10, requiring municipalities to allow adaptive reuse of 10% of all existing commercial, office, or mixed-use parcels rather than individual buildings.

As a result, terminology throughout Chapter 81 (Adaptive Reuse Permit) is proposed to be revised to reflect the shift in applicability—from buildings to parcels. The change also impacts the number of applications the City must allow through the Adaptive Reuse Permit.

Previously, the City was required to identify eligible buildings based on their land use and allow 10% (202 buildings) to be adaptively reused. Under the revised legislation, the City must now identify eligible parcels based on their zoning designation and allow 10% (457 parcels) to be adaptively reused.

2. **Modify the land use regulations to allow adaptive reuse exclusively for multi-family use.**

House Bill 2110 amended the definition of adaptive reuse, specifying that it refers to the conversion of an existing building to multi-family residential use, rather than to a different or new use more generally.

Because the previous definition of adaptive reuse did not specify the types of uses a building could be converted to, Chapter 81 required that all non-residential components of a mixed-use adaptive reuse project comply with the land use regulations of the underlying zoning district.

With the updated definition limiting adaptive reuse to multi-family use, Staff recommends removing this requirement, as an Adaptive Reuse Permit will now apply solely to multi-family conversions and no longer include non-residential components.

3. **Modify the development standards for Multiple Residence Reuse Development and projects containing non-conforming structures.**

Previously, A.R.S. § 9-462.10 required that certain development standards for Multiple Residence Reuse Projects be based on the highest density multiple residence

development within one (1) mile of the project site. House Bill 2110 expanded this framework by allowing development standards to be based on any zoning district—residential or non-residential—that permits the greatest residential density within one (1) mile of the redevelopment parcel.

Furthermore, House Bill 2110 clarifies that a Multiple Residence Reuse Project developed using an Adaptive Reuse Permit can't be used to determine the development standards for a subsequent Multiple Residence Reuse Project.

Previously, A.R.S. § 9-462.10 allowed a non-conforming building—specifically one exceeding the maximum allowable height for its use—to be expanded to the maximum density permitted for the proposed use. However, with recent legislative changes limiting adaptive reuse exclusively to multi-family residential conversions, this provision was amended to allow such non-conforming buildings to be expanded up to the maximum height permitted for multi-family residential use.

Staff recommends modifications to Chapter 81 to comply with the amendments described above.

#### 4. Update certain definitions to be consistent with House Bill 2110.

Staff recommends adding, removing, and modifying certain definitions in Chapter 87 of the MZO to ensure consistency with the definitions modified by House Bill 2110. The proposed definitions are provided below.

- **Adaptive Reuse:** Conversion of an Existing Commercial, Office, or Mixed-Use Building from the use for which it was constructed to ~~a new~~ **MULTIPLE RESIDENCE** use by maintaining some or all of the **BUILDING** elements of the building and which must include a residential use component.
- **Adaptive Reuse Permit:** Permit issued for an Existing Commercial, Office, or Mixed-Use Building **PARCEL** for the **AN EXISTING** building to be redeveloped as a Multiple Residence Reuse or Adaptive Reuse.
- ~~**Existing Commercial, Office, or Mixed-Use Building.** A building whose primary use is a: (i) club or lodge, day care center, government office, hospital, clinic; (ii) Commercial land use listed in Section 11-86-4; or (iii) Mixed use land use listed in Section 11-86-8 of this Ordinance.~~
- **EXISTING COMMERCIAL, OFFICE, OR MIXED-USE PARCEL: A PARCEL OF LAND THAT IS ZONED AS A COMMERCIAL OR MIXED-USE DISTRICT AS OF THE EFFECTIVE DATE OF THIS ORDINANCE.**
- **Low-income Housing:** A Housing unit available for sale or rent, the cost of which ~~A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME~~ does not exceed 30% ~~80%~~ of the household income for a person(s) whose income is 80% or less than the area median income.

- **Moderate-income Housing:** A Housing unit available for sale or rent, the cost of which ~~A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME~~ does not exceed ~~30%~~ **120%** of the household income for a person(s) whose income is ~~130% or less than the~~ area median income.

## **Citizen Participation**

### Developers Advisory Forum:

The proposed text amendments were presented to and discussed with the DAF Focus Group on January 16, 2025, and again with the larger DAF on May 13, 2025.

Members of the DAF did not have any comment or feedback.

## **Implementation**

Staff recommends the ordinance approving the proposed text amendments become effective 30 days from the date of City Council approval.

## **Exhibits**

Exhibit 1 – 2025 Adaptive Reuse Permit Ordinance