

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HOUSE BILL 2076

AN ACT

AMENDING SECTION 28-8470, ARIZONA REVISED STATUTES; RELATING TO ACCIDENT  
POTENTIAL ZONES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-8470, Arizona Revised Statutes, is amended to  
3 read:

4 28-8470. Permit

5 A. An airport zoning regulation adopted under this article may require  
6 that a permit be obtained before a new structure or use may be constructed,  
7 established, substantially changed, altered or repaired.

8 B. The airport zoning regulation provided in subsection A shall also  
9 provide that before a nonconforming structure or tree may be replaced,  
10 substantially altered, repaired, rebuilt, allowed to grow higher or  
11 replanted, a permit shall be obtained from the administrative agency  
12 authorized to administer and enforce the regulation authorizing the  
13 replacement, change or repair.

14 C. A permit shall not be granted that will allow the establishment or  
15 creation of an airport hazard or permit a nonconforming structure or tree or  
16 nonconforming use to be made or become higher or a greater hazard to air  
17 navigation than it was when the applicable regulation was adopted or than it  
18 is when an application for a permit is made.

19 D. A POLITICAL SUBDIVISION SHALL NOT APPROVE A BUILDING PERMIT FOR THE  
20 CONSTRUCTION OF A NEW RESIDENTIAL STRUCTURE, EDUCATIONAL INSTITUTION,  
21 RELIGIOUS OR OTHER PUBLIC GATHERING FACILITY IN A CLEAR ZONE, AN ACCIDENT  
22 POTENTIAL ZONE ONE OR ACCIDENT POTENTIAL ZONE TWO AS DEFINED IN SECTION  
23 28-8461 AT THE FACILITIES DESCRIBED IN SECTION 28-8461, PARAGRAPH 7,  
24 SUBDIVISIONS (a) AND (b).

25 E. A POLITICAL SUBDIVISION SHALL NOT APPROVE A BUILDING PERMIT FOR THE  
26 ADDITION TO OR ALTERNATION OF AN EXISTING RESIDENTIAL STRUCTURE, EDUCATIONAL  
27 INSTITUTION, RELIGIOUS OR OTHER PUBLIC GATHERING FACILITY IN A CLEAR ZONE, AN  
28 ACCIDENT POTENTIAL ZONE ONE OR AN ACCIDENT POTENTIAL ZONE TWO AS DEFINED IN  
29 SECTION 28-8461 AT THE FACILITIES DESCRIBED IN SECTION 28-8461, PARAGRAPH 7,  
30 SUBDIVISIONS (a) AND (b), IF THE ADDITION OR ALTERATION INCREASES THE OVERALL  
31 FOOTPRINT OF THE BUILDING BY MORE THAN FIFTY PER CENT OR IN ANY WAY EXCEEDS  
32 THE HIGHEST POINT OF THE EXISTING STRUCTURE.

33 ~~D.~~ F. Except as provided in this section, all applications for  
34 permits shall be granted.