

REFERENCE TITLE: religious institutions; development; allowed use

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

HB 2191

Introduced by
Representatives Livingston: Liguori

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.14; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-820.05; RELATING TO 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 9-462.14, to read:

4 9-462.14. Religious institutions; allowed use developments;
5 requirements; definitions

6 A. NOTWITHSTANDING ANY LOCAL ZONING ORDINANCE, ANY SINGLE-FAMILY
7 AND MULTIFAMILY RESIDENTIAL HOUSING DEVELOPMENT ON ANY ELIGIBLE SITE IS
8 CONSIDERED AN ALLOWED USE DEVELOPMENT IF THE DEVELOPMENT MEETS ALL OF THE
9 FOLLOWING REQUIREMENTS:

10 1. IS NOT WITHIN SEVENTY-FIVE FEET OF A NEIGHBORING SITE.

11 2. HAS AT LEAST ONE PARKING SPACE PER UNIT OR MEETS THE MUNICIPAL
12 ZONING REQUIREMENTS FOR PARKING, WHICHEVER IS LESS.

13 3. MEETS ALL LOCAL REGULATIONS FOR WATER AND SEWER ACCESS.

14 4. IS ON AN ELIGIBLE SITE THAT HAS BEEN OWNED BY A RELIGIOUS
15 INSTITUTION FOR AT LEAST THE THREE YEARS PRECEDING THE PLANNED ALLOWED USE
16 DEVELOPMENT.

17 5. IS ON AN ELIGIBLE SITE THAT IS NOT LOCATED WITHIN ONE-HALF MILE
18 OF HEAVY INDUSTRIAL USE, AN AIRPORT OR A MILITARY BASE.

19 B. THE HEIGHT REQUIREMENTS FOR AN ALLOWED USE DEVELOPMENT ON AN
20 ELIGIBLE SITE MUST MEET ONE OF THE FOLLOWING:

21 1. BE NOT MORE THAN THIRTY-EIGHT FEET AND THREE FULL FLOORS.

22 2. BE THE MAXIMUM HEIGHT ALLOWABLE BY THE CURRENT MUNICIPAL ZONING
23 REGULATIONS FOR RETAIL, OFFICE, RESIDENTIAL OR MIXED USE.

24 3. BE NOT MORE THAN THE HEIGHT OF A PREVIOUSLY EXISTING STRUCTURE
25 ON THE ELIGIBLE SITE.

26 4. BE NOT MORE THAN THE HEIGHT OF ANY EXISTING BUILDING WITHIN
27 ONE-FOURTH MILE OF THE ELIGIBLE SITE, EXCEPT FOR BUILDINGS DEVELOPED
28 PURSUANT TO THIS SECTION.

29 C. MINIMUM SETBACK REQUIREMENTS FOR AN ALLOWED USE DEVELOPMENT ON
30 AN ELIGIBLE SITE MUST MEET ONE OF THE FOLLOWING:

31 1. BE AT LEAST EIGHT FEET FOR THE FRONT, SIDE AND REAR OF THE
32 ELIGIBLE SITE.

33 2. BE THE SETBACKS ALLOWABLE BY THE CURRENT MUNICIPAL ZONING
34 REGULATIONS FOR RETAIL, OFFICE, RESIDENTIAL OR MIXED USE.

35 3. BE AT LEAST THE SETBACKS OF A PREVIOUSLY EXISTING STRUCTURE ON
36 THE ELIGIBLE SITE.

37 4. BE AT LEAST THE SETBACKS EXISTING ON ANY NEIGHBORING SITE OR
38 FACING SITE.

39 D. THE GREATEST MAXIMUM LOT COVERAGE FOR AN ALLOWED USE DEVELOPMENT
40 ON AN ELIGIBLE SITE MUST MEET ONE OF THE FOLLOWING:

41 1. BE NOT MORE THAN COVERAGE OF EIGHTY PERCENT OF THE ELIGIBLE
42 SITE.

43 2. BE THE COVERAGE ALLOWABLE BY THE CURRENT MUNICIPAL ZONING
44 REGULATIONS FOR RETAIL, OFFICE, RESIDENTIAL OR MIXED USE.

1 3. BE NOT MORE THAN THE IMPERVIOUS LOT COVERAGE IN EXISTENCE ON THE
2 ELIGIBLE SITE AT THE TIME OF THE SUBMISSION OF THE DEVELOPMENT
3 APPLICATION.

4 4. BE NOT MORE THAN THE COVERAGE EXISTING ON ANY NEIGHBORING SITE
5 OR FACING SITE.

6 E. A MUNICIPALITY MAY NOT IMPOSE ANY ADDITIONAL RESTRICTIONS ON AN
7 ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE OTHER THAN THE RESTRICTIONS
8 PROVIDED IN SUBSECTIONS A, B, C AND D OF THIS SECTION.

9 F. A MUNICIPALITY MAY REQUIRE ADDITIONAL PERMITS FOR AN ALLOWED USE
10 DEVELOPMENT ON AN ELIGIBLE SITE IF THE SAME PERMITS ARE REQUIRED BY THE
11 MUNICIPALITY FOR A COMPARABLE DEVELOPMENT PROJECT. PERMITS REQUIRED BY A
12 MUNICIPALITY FOR AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE SHALL BE
13 APPROVED BY THE MUNICIPALITY ADMINISTRATIVELY AND THE MUNICIPALITY MAY NOT
14 REQUIRE A PUBLIC HEARING.

15 G. A MUNICIPALITY MAY REQUIRE SITE IMPROVEMENTS AND IMPACT FEES FOR
16 AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE THAT ARE THE SAME AS SITE
17 IMPROVEMENTS AND IMPACT FEES THAT ARE REQUIRED BY THE MUNICIPALITY FOR A
18 COMPARABLE DEVELOPMENT PROJECT.

19 H. UNLESS THERE IS A LOCAL ORDINANCE, A FEDERAL, STATE OR LOCAL
20 GRANT REQUIREMENT OR A PROJECT FINANCING REQUIREMENT THAT REQUIRES A
21 CONFLICTING RESTRICTIVE COVENANT, THE RELIGIOUS INSTITUTION THAT ALLOWS
22 DEVELOPMENT ON AN ELIGIBLE SITE OWNED BY THE RELIGIOUS INSTITUTION SHALL
23 RECORD A DEED RESTRICTION THAT REQUIRES THE PROPERTY TO ALLOCATE FOR A
24 PERIOD OF FIFTY-FIVE YEARS AT LEAST FORTY PERCENT OF THE UNITS IN THE
25 ALLOWED USE DEVELOPMENT TO LOW-INCOME HOUSEHOLDS AS PRESCRIBED BY THE
26 ARIZONA DEPARTMENT OF HOUSING.

27 I. A RELIGIOUS INSTITUTION THAT ALLOWS AN ALLOWED USE DEVELOPMENT
28 ON AN ELIGIBLE SITE THAT IS OWNED BY THE RELIGIOUS INSTITUTION SHALL
29 NOTIFY THE COUNTY ASSESSOR IN THE COUNTY WHERE THE PROPERTY IS LOCATED IN
30 WRITING PURSUANT TO SECTION 42-11152 THAT THE PROPERTY IS NO LONGER USED
31 FOR THE PURPOSES THAT QUALIFY FOR EXEMPTION FROM TAXATION.

32 J. FOR THE PURPOSES OF THIS SECTION:

33 1. "ELIGIBLE SITE" MEANS LAND OR BUILDINGS ON ONE OR MORE
34 CONTIGUOUS PARCELS OWNED BY ONE OR MORE RELIGIOUS INSTITUTIONS.

35 2. "FACING SITE" MEANS A PARCEL THAT IS DIRECTLY ACROSS A PUBLIC
36 WAY FROM ANY PORTION OF AN ELIGIBLE SITE.

37 3. "NEIGHBORING SITE" MEANS A PARCEL THAT DIRECTLY ABUTS AN
38 ELIGIBLE SITE ALONG AN EXISTING ROAD.

39 4. "RELIGIOUS INSTITUTION" MEANS AN INSTITUTION THAT IS OWNED,
40 CONTROLLED, OPERATED AND MAINTAINED BY A CHURCH, RELIGIOUS DENOMINATION OR
41 RELIGIOUS ORGANIZATION THAT IS LAWFULLY OPERATING AS A NONPROFIT RELIGIOUS
42 CORPORATION.

1 3. BE NOT MORE THAN THE IMPERVIOUS LOT COVERAGE IN EXISTENCE ON THE
2 ELIGIBLE SITE AT THE TIME OF THE SUBMISSION OF THE DEVELOPMENT
3 APPLICATION.

4 4. BE NOT MORE THAN THE COVERAGE EXISTING ON ANY NEIGHBORING SITE
5 OR FACING SITE.

6 E. A COUNTY MAY NOT IMPOSE ANY ADDITIONAL RESTRICTIONS ON AN
7 ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE OTHER THAN THE RESTRICTIONS
8 PROVIDED IN SUBSECTIONS A, B, C AND D OF THIS SECTION.

9 F. A COUNTY MAY REQUIRE ADDITIONAL PERMITS FOR AN ALLOWED USE
10 DEVELOPMENT ON AN ELIGIBLE SITE IF THE SAME PERMITS ARE REQUIRED BY THE
11 COUNTY FOR A COMPARABLE DEVELOPMENT PROJECT. PERMITS REQUIRED BY A COUNTY
12 FOR AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE SHALL BE APPROVED BY
13 THE COUNTY ADMINISTRATIVELY AND THE COUNTY MAY NOT REQUIRE A PUBLIC
14 HEARING.

15 G. A COUNTY MAY REQUIRE SITE IMPROVEMENTS AND IMPACT FEES FOR AN
16 ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE THAT ARE THE SAME AS SITE
17 IMPROVEMENTS AND IMPACT FEES THAT ARE REQUIRED BY THE COUNTY FOR A
18 COMPARABLE DEVELOPMENT PROJECT.

19 H. UNLESS THERE IS A LOCAL ORDINANCE, A FEDERAL, STATE OR LOCAL
20 GRANT REQUIREMENT OR A PROJECT FINANCING REQUIREMENT THAT REQUIRES A
21 CONFLICTING RESTRICTIVE COVENANT, THE RELIGIOUS INSTITUTION THAT ALLOWS
22 DEVELOPMENT ON AN ELIGIBLE SITE OWNED BY THE RELIGIOUS INSTITUTION SHALL
23 RECORD A DEED RESTRICTION THAT REQUIRES THE PROPERTY TO ALLOCATE FOR A
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42 CORPORATION.