



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

House: GOV W/D | APPROP DP 11-5-2-0

HB 2191: religious institutions; development; allowed use

Sponsor: Representative Livingston, LD 28

Caucus & COW

Overview

Allows *eligible sites* to be designated as an allowed use development subject to specified requirements and restrictions.

History

A municipal general plan consists of a statement of community goals and development policies, and includes maps, diagrams and text setting forth the objectives of the plan proposal ([A.R.S. § 9-461.05](#)).

A county planning and zoning commission must formulate, and the Board of Supervisors must adopt a development plan. The plan shows the commission's recommendations for the development of the area and must be made with the purpose of guiding and accomplishing a coordinated development of the area to the present and future needs of the county ([A.R.S. § 11-804](#)).

Provisions

1. Designates, regardless of local zoning ordinances, any single-family and multi-family residential housing development on an *eligible site* as an allowed use development, if:
 - a) it is not within 75 feet of a *neighboring site*;
 - b) it has at least one parking space per unit or meets municipal or county zoning requirements for parking, whichever is less;
 - c) it meets all local regulations for water and sewer access;
 - d) the *eligible site* has been owned by a *religious institution* for at least three years before the planned allowed use development; and
 - e) the *eligible site* is not located within half a mile of heavy industrial use, an airport or a military base. (Sec. 1, 2)
2. Establishes specified height, minimum setback and greatest maximum lot coverage requirements for an allowed use development on an *eligible site*. (Sec. 1, 2)
3. Prohibits a municipality or county from imposing additional restrictions, except for the restrictions prescribed above, on allowed use developments on an *eligible site*. (Sec. 1, 2)
4. Allows a municipality or county to require additional permits for allowed use developments on *eligible sites*, provided the same permits are required by the municipality or county for comparable development projects and clarifies that such permits must be approved administratively. (Sec. 1, 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

5. Allows a municipality or county to require site improvements and impact fees for allowed use developments on *eligible sites* provided they are the same requirements prescribed by the municipality or county for comparable development projects. (Sec. 1, 2)
6. Requires a *religious institution* that allows development on an *eligible site* owned by that institution, to:
 - a) record a deed restriction that requires the property to allocate at least 40% of the units in the development to low-income households for a period of 55 years, provided no ordinance, law, grant or financing provision requires otherwise; and
 - b) notify the appropriate County Assessor in writing that the property is no longer used for purposes that qualify for exemption from taxation. (Sec. 1, 2)
7. Defines *eligible site*, *facing site*, *neighboring site* and *religious institution*. (Sec. 1, 2)