

REFERENCE TITLE: zoning; charter schools; land; facilities

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1193

Introduced by
Senator Ward

AN ACT

AMENDING SECTION 15-189.01, ARIZONA REVISED STATUTES; RELATING TO CHARTER SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-189.01, Arizona Revised Statutes, is amended to
3 read:

4 15-189.01. Charter schools; zoning; development fees

5 A. Charter schools shall be classified the same as public schools that
6 are operated by a school district for the purposes of zoning and the
7 assessment of zoning fees, site plan fees and development fees, including any
8 required hearings or applications. Municipalities and counties shall allow a
9 charter school to be established and operate at a location or in a facility
10 for which the zoning regulations of the county or municipality cannot legally
11 prohibit schools operated by school districts, except that a county or
12 municipality may adopt zoning regulations that prohibit a charter school from
13 operating on property that is less than an acre in size and that is located
14 within an existing single family residence zoning district.

15 B. Except as provided in subsection D of this section, a charter
16 school is subject to the same level of oversight and the same rules, hearing
17 requirements, application requirements, ordinances, limitations and other
18 requirements, if any, that would be applied to and enforced against a school
19 that is operated by a school district. A municipality or county shall not
20 enforce, or attempt to enforce, any ordinance, procedure or process against a
21 charter school that cannot be legally enforced against a school district.
22 Voluntary compliance ~~of~~ BY a school district ~~in~~ WITH the zoning regulations
23 of a municipality or a county does not result in the application of those
24 zoning regulations to a charter school.

25 C. The construction and development of the charter school facility
26 shall be subject to the building codes, including life and safety building
27 codes, of the municipality, county or state in which the charter school
28 facility is located.

29 D. Municipalities and counties shall adopt procedures to ensure that
30 hearings and administrative reviews involving charter schools are scheduled
31 and conducted on an expedited basis and that charter schools receive a final
32 determination from the municipality or county within thirty days after the
33 beginning of processes requiring only an administrative review and within
34 ninety days after the beginning of processes requiring a public hearing and
35 allowing an appeal to a board of adjustment, city or town governing body or
36 board of supervisors.

37 E. Except as provided in subsection F of this section, no political
38 subdivision of this state may enact or interpret any law, rule or ordinance
39 in a manner that conflicts with this section.

40 F. Notwithstanding subsections A and B of this section, a charter
41 school shall not be established or operated on commercial or residential
42 property in an age restricted community that is located in unorganized
43 territory.

1 G. A charter school may authorize a third party to apply to a
2 municipality or county as the representative of that charter school for any
3 application or action prescribed in subsections A through D of this section.
4 H. THIS SECTION APPLIES TO LAND AND FACILITIES THAT ARE OWNED, LEASED
5 OR OPERATED BY A CHARTER SCHOOL.