

House Engrossed

religious institutions; use-by-right development

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2815

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-462.10; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA
REVISED STATUTES, BY ADDING SECTION 11-820.04; 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 9-462.10, to read:

4 9-462.10. Religious institutions; use-by-right development;
5 definitions

6 A. A MUNICIPALITY MAY NOT REQUIRE A CONDITIONAL USE PERMIT, PLANNED
7 UNIT DEVELOPMENT PERMIT, REZONING APPLICATION OR OTHER DISCRETIONARY LOCAL
8 GOVERNMENT REVIEW FOR A DEVELOPMENT THAT QUALIFIES AS A USE-BY-RIGHT
9 DEVELOPMENT.

10 B. A USE-BY-RIGHT DEVELOPMENT THAT IS LOCATED IN AN AREA ZONED FOR
11 RESIDENTIAL USE IS ALLOWED THE FOLLOWING DENSITY PROVISIONS:

12 1. A DENSITY OF TWENTY UNITS PER ACRE.

13 2. A HEIGHT OF ONE STORY ABOVE THE MAXIMUM HEIGHT ALLOWED BY THE
14 CURRENT ZONING REGULATIONS.

15 C. A USE-BY-RIGHT DEVELOPMENT LOCATED IN AN AREA THAT IS NOT ZONED
16 FOR RESIDENTIAL USE IS ALLOWED THE FOLLOWING DENSITY PROVISIONS:

17 1. A DENSITY OF THIRTY UNITS PER ACRE.

18 2. A HEIGHT OF ONE STORY ABOVE THE MAXIMUM HEIGHT ALLOWED BY THE
19 CURRENT ZONING REGULATIONS.

20 D. IN A SINGLE-FAMILY RESIDENTIAL ZONE, ANCILLARY USES FOR A
21 USE-BY-RIGHT DEVELOPMENT ARE LIMITED TO CHILD CARE CENTERS AND FACILITIES
22 OPERATED BY COMMUNITY-BASED ORGANIZATIONS FOR RECREATIONAL, SOCIAL OR
23 EDUCATIONAL SERVICES FOR THE RESIDENTS OF THE DEVELOPMENT AND MEMBERS OF
24 THE COMMUNITY IN WHICH THE DEVELOPMENT IS LOCATED.

25 E. EXCEPT IN AREAS ZONED FOR SINGLE-FAMILY USE, THE DEVELOPMENT MAY
26 INCLUDE COMMERCIAL USES THAT ARE ALLOWED WITHOUT A USE OR DEVELOPMENT
27 PERMIT.

28 F. IF THE MUNICIPALITY ALLOWS FOR GREATER RESIDENTIAL DENSITY OR
29 BUILDING HEIGHTS THAN WHAT IS ALLOWED BY SUBSECTION B OF THIS SECTION, THE
30 GREATER DENSITY OR BUILDING HEIGHT ALLOWANCES SHALL APPLY. A USE-BY-RIGHT
31 DEVELOPMENT MAY NOT USE AN INCENTIVE, WAIVER OR CONCESSION TO INCREASE THE
32 HEIGHT OF THE DEVELOPMENT TO GREATER THAN THE HEIGHT AUTHORIZED UNDER THIS
33 SECTION.

34 G. A USE-BY-RIGHT DEVELOPMENT MAY DEDICATE HOUSING AS FOLLOWS:

35 1. UP TO FIFTY PERCENT OF THE TOTAL UNITS MAY BE USED FOR
36 MODERATE-INCOME HOUSEHOLDS AS DEFINED BY THE ARIZONA DEPARTMENT OF
37 HOUSING.

38 2. UP TO TEN PERCENT OF THE UNITS MAY BE USED FOR STAFF OF THE
39 RELIGIOUS INSTITUTION THAT OWNS THE LAND.

40 3. ALL REMAINING UNITS, EXCEPT FOR PROPERTY MANAGERS UNITS, SHALL
41 BE DEDICATED TO LOW-INCOME HOUSEHOLDS AS DEFINED BY ARIZONA DEPARTMENT OF
42 HOUSING.

1 H. UNLESS THERE IS A LOCAL ORDINANCE, A FEDERAL, STATE OR LOCAL
2 GRANT REQUIREMENT OR A PROJECT FINANCING REQUIREMENT THAT REQUIRES A
3 CONFLICTING RESTRICTIVE COVENANT, THE RELIGIOUS INSTITUTION SHALL RECORD A
4 DEED RESTRICTION THAT REQUIRES THE PROPERTY TO ALLOCATE FOR A PERIOD OF
5 FIFTY-FIVE YEARS AT LEAST FORTY PERCENT OF THE UNITS IN THE USE-BY-RIGHT
6 DEVELOPMENT TO LOW-INCOME HOUSEHOLDS AS DEFINED BY THE ARIZONA DEPARTMENT
7 OF HOUSING.

8 I. THE USE-BY-RIGHT DEVELOPMENT SHALL PROVIDE OFF-STREET PARKING OF
9 UP TO ONE SPACE PER UNIT. IF A MUNICIPAL ORDINANCE PROVIDES FOR A LOWER
10 NUMBER OF OFF-STREET PARKING SPACES, THE MUNICIPAL ORDINANCE APPLIES. A
11 MUNICIPALITY MAY NOT IMPOSE A PARKING REQUIREMENT IF THE PARCEL IS LOCATED
12 WITHIN ONE-HALF MILE WALKING DISTANCE OF PUBLIC TRANSIT, A HIGH-QUALITY
13 TRANSIT CORRIDOR OR A MAJOR TRANSIT STOP.

14 J. A MUNICIPALITY MAY NOT ADOPT OR IMPOSE EITHER OF THE FOLLOWING
15 RESTRICTIONS ON A USE-BY-RIGHT DEVELOPMENT:

16 1. ANY SETBACK, OPEN SPACE OR LOT COVERAGE REQUIREMENTS BEYOND THE
17 UNDERLYING ZONING REQUIREMENTS OF THE PROPERTY.

18 2. ANY INCREASED FEES OR IMPACT FEES THAT APPLY TO A PROJECT SOLELY
19 OR PARTIALLY ON THE BASIS THAT THE PROJECT IS ELIGIBLE TO RECEIVE
20 USE-BY-RIGHT APPROVAL.

21 K. A MUNICIPALITY MAY ISSUE A SUBSEQUENT PERMIT IF IT IS REQUIRED
22 FOR AN APPROVED DEVELOPMENT THAT INCLUDES BUILDING PLAN AND HEALTH AND
23 SAFETY STANDARDS.

24 L. A RELIGIOUS INSTITUTION MAY ONLY ALLOW A USE-BY-RIGHT
25 DEVELOPMENT ON LAND OWNED BY THE RELIGIOUS INSTITUTION AS OF 2023.

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

31 N. FOR THE PURPOSES OF THIS SECTION:

32 1. "RELIGIOUS INSTITUTION" MEANS AN INSTITUTION THAT IS OWNED,
33 CONTROLLED, OPERATED AND MAINTAINED BY A BONA FIDE CHURCH, RELIGIOUS
34 DENOMINATION OR RELIGIOUS ORGANIZATION COMPOSED OF MULTIDENOMINATIONAL
35 MEMBERS OF THE SAME WELL-RECOGNIZED RELIGION LAWFULLY OPERATING AS A
36 NONPROFIT RELIGIOUS CORPORATION.

37 2. "USE-BY-RIGHT" MEANS A DEVELOPMENT PROJECT THAT MEETS BOTH OF
38 THE FOLLOWING:

39 (a) THE DEVELOPMENT IS LOCATED ON LAND OWNED ON OR BEFORE
40 JANUARY 1, 2025 BY A RELIGIOUS INSTITUTION, INCLUDING OWNERSHIP THROUGH AN
41 AFFILIATED OR ASSOCIATED NONPROFIT PUBLIC BENEFIT CORPORATION.

42 (b) THE DEVELOPMENT PROJECT COMPLIES WITH ALL OBJECTIVE DEVELOPMENT
43 STANDARDS OF THE MUNICIPALITY THAT DO NOT CONFLICT WITH THIS SECTION.

1 Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes,
2 is amended by adding section 11-820.04, to read:

3 11-820.04. Religious institutions; use-by-right development;
4 definitions

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