

REFERENCE TITLE: religious institutions; use-by-right development

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

# HB 2815

Introduced by  
Representatives Quiñonez: Biasiucci, Ortiz, Sandoval, Schwiebert

## 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 ALLOWABLE BY THE  
14 CURRENT ZONING REGULATIONS.

15 3. TWELVE FEET OF ADDITIONAL HEIGHT ABOVE THE MAXIMUM HEIGHT  
16 OTHERWISE ALLOWED BY THE CURRENT ZONING REGULATIONS.

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

19 1. A DENSITY OF FORTY UNITS PER ACRE.

20 2. A HEIGHT OF ONE STORY ABOVE THE MAXIMUM HEIGHT ALLOWED BY THE  
21 CURRENT ZONING REGULATIONS.

22 3. TWELVE FEET OF ADDITIONAL HEIGHT ABOVE THE MAXIMUM HEIGHT  
23 OTHERWISE ALLOWED BY THE CURRENT ZONING REGULATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32           M. FOR THE PURPOSES OF THIS SECTION:

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

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

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

43           (b) THE DEVELOPMENT PROJECT COMPLIES WITH ALL OBJECTIVE DEVELOPMENT  
44 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

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