

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2191**

Livingston Floor Amendment

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- Requires, for a religious institution on an eligible site to qualify for allowed use development as prescribed by the measure, the development must be:
 1. Located in an area that is zoned as single-family residential use as of July 1, 2025;
 2. Classified as tax-exempt and will continue to be owned and maintained by the religious institution;
 3. Subject to a validly executed ground lease agreement; and
 4. Not more than 30 feet and two full floors if the development is located within 150 feet of the boundary of an area zoned for single-family residential use.
 - Modifies the minimum setback requirements and the greatest maximum lot coverage requirements for an allowed use development on an eligible site.
 - Establishes a maximum density bonus for an allowed use development on an eligible site.
 - Authorizes a municipality or county to require on-site and off-site improvements and plans and compliance for an allowed use development on an eligible site.
 - Removes the requirement that a religious institution record a deed restriction requiring the property to allocate at least 40% of the units to low-income households for a period of 55 years.
 - Exempts certain lands, including land zoned for industrial use and land in areas designated as historic by a local government.
 - Defines *ground lease* and *single family residential*.

Amendment explanation prepared by J. Hobbins

Phone Number 6-3649

jh

3/11/2025

LIVINGSTON FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2191
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.
~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

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; regulation; applicability;
6 definitions

7 A. NOTWITHSTANDING ANY LOCAL ZONING ORDINANCE, [FOR A RELIGIOUS
8 INSTITUTION LOCATED IN AN AREA THAT IS ZONED AS OF JANUARY 1, 2025 FOR
9 SINGLE-FAMILY RESIDENTIAL USE.] ANY SINGLE-FAMILY ~~[AND MULTIFAMILY]~~
10 RESIDENTIAL HOUSING DEVELOPMENT ON ANY ELIGIBLE SITE IS CONSIDERED AN
11 ALLOWED USE DEVELOPMENT IF THE DEVELOPMENT MEETS ALL OF THE FOLLOWING
12 REQUIREMENTS:

13 1. IS NOT WITHIN SEVENTY-FIVE FEET OF A NEIGHBORING SITE.
14 2. HAS AT LEAST ONE PARKING SPACE PER UNIT OR MEETS THE MUNICIPAL
15 ZONING REQUIREMENTS FOR PARKING, WHICHEVER IS LESS.
16 3. MEETS ALL LOCAL REGULATIONS FOR WATER AND SEWER ACCESS.
17 4. IS ON AN ELIGIBLE SITE THAT [, AS OF JANUARY 1, 2025,] HAS BEEN
18 OWNED [EXCLUSIVELY] BY A RELIGIOUS INSTITUTION ~~[FOR AT LEAST THE THREE~~
19 ~~YEARS PRECEDING THE PLANNED ALLOWED USE DEVELOPMENT]~~ [, THAT HAS BEEN USED
20 CONTINUOUSLY AND PRIMARILY FOR RELIGIOUS WORSHIP, THAT IS CLASSIFIED AS
21 TAX-EXEMPT AS PRESCRIBED IN SECTION 42-11109 AND THAT WILL CONTINUE TO BE
22 OWNED AND MAINTAINED BY THE RELIGIOUS INSTITUTION].

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

25 [6. IS SUBJECT TO A VALIDLY EXECUTED GROUND LEASE AGREEMENT.]

26 B. THE HEIGHT REQUIREMENTS FOR AN ALLOWED USE DEVELOPMENT ON AN
27 ELIGIBLE SITE MUST ~~[MEET ONE OF THE FOLLOWING:]~~

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

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

1 ~~3. BE NOT MORE THAN THE HEIGHT OF A PREVIOUSLY EXISTING STRUCTURE~~
2 ~~ON THE ELIGIBLE SITE.~~

3 ~~4. BE NOT MORE THAN THE HEIGHT OF ANY EXISTING BUILDING WITHIN~~
4 ~~ONE-FOURTH MILE OF THE ELIGIBLE SITE, EXCEPT FOR BUILDINGS DEVELOPED~~
5 ~~PURSUANT TO THIS SECTION.] [BE NOT MORE THAN THIRTY FEET AND TWO FULL~~
6 ~~FLOORS IF THE ALLOWED USE DEVELOPMENT IS LOCATED WITHIN ONE HUNDRED FIFTY~~
7 ~~FEET OF THE BOUNDARY OF AN AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.]~~

8 C. MINIMUM SETBACK REQUIREMENTS FOR AN ALLOWED USE DEVELOPMENT ON
9 AN ELIGIBLE SITE MUST MEET ~~[ONE]~~ [ALL] OF THE FOLLOWING:

10 1. BE AT LEAST ~~[EIGHT]~~ [TWENTY] FEET FOR THE FRONT ~~[, SIDE AND~~
11 ~~REAR] [SETBACK] OF THE ELIGIBLE SITE.~~

12 ~~[2. BE THE SETBACKS ALLOWABLE BY THE CURRENT MUNICIPAL ZONING~~
13 ~~REGULATIONS FOR RETAIL, OFFICE, RESIDENTIAL OR MIXED USE.~~

14 ~~3. BE AT LEAST THE SETBACKS OF A PREVIOUSLY EXISTING STRUCTURE ON~~
15 ~~THE ELIGIBLE SITE.~~

16 ~~4. BE AT LEAST THE SETBACKS EXISTING ON ANY NEIGHBORING SITE OR~~
17 ~~FACING SITE.]~~

18 [2. BE AT LEAST FIFTEEN FEET FOR THE SIDE SETBACK OF THE ELIGIBLE
19 SITE.]

20 3. BE AT LEAST TWENTY FEET FOR THE REAR SETBACK OF THE ELIGIBLE
21 SITE.]

22 D. THE GREATEST MAXIMUM LOT COVERAGE FOR AN ALLOWED USE DEVELOPMENT
23 ON AN ELIGIBLE SITE MUST ~~[MEET ONE OF THE FOLLOWING:~~

24 ~~1.] BE NOT MORE THAN COVERAGE OF EIGHTY PERCENT OF THE ELIGIBLE~~
25 ~~SITE.~~

26 ~~[2. BE THE COVERAGE ALLOWABLE BY THE CURRENT MUNICIPAL ZONING~~
27 ~~REGULATIONS FOR RETAIL, OFFICE, RESIDENTIAL OR MIXED USE.~~

28 ~~3. BE NOT MORE THAN THE IMPERVIOUS LOT COVERAGE IN EXISTENCE ON THE~~
29 ~~ELIGIBLE SITE AT THE TIME OF THE SUBMISSION OF THE DEVELOPMENT~~
30 ~~APPLICATION.~~

31 ~~4. BE NOT MORE THAN THE COVERAGE EXISTING ON ANY NEIGHBORING SITE~~
32 ~~OR FACING SITE.]~~

33 [E. THE MAXIMUM DENSITY BONUS FOR AN ALLOWED USE DEVELOPMENT ON AN
34 ELIGIBLE SITE MAY NOT BE LESS THAN BOTH OF THE FOLLOWING:

35 1. TWENTY PERCENT OF THE MAXIMUM DENSITY ALLOWED BY APPLICABLE
36 EXISTING MUNICIPAL ZONING REGULATIONS.

37 2. SEVENTEEN DWELLING UNITS PER ACRE.]

38 ~~[F.] [F.] A MUNICIPALITY MAY NOT IMPOSE ANY ADDITIONAL~~
39 ~~RESTRICTIONS ON AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE OTHER THAN~~
40 ~~THE RESTRICTIONS PROVIDED IN [SUBSECTIONS A, B, C AND D OF] THIS SECTION.~~

41 [F.] [G.] A MUNICIPALITY MAY REQUIRE ADDITIONAL PERMITS FOR AN
42 ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE IF THE SAME PERMITS ARE
43 REQUIRED BY THE MUNICIPALITY FOR A COMPARABLE DEVELOPMENT PROJECT.
44 PERMITS REQUIRED BY A MUNICIPALITY FOR AN ALLOWED USE DEVELOPMENT ON AN
45 ELIGIBLE SITE SHALL BE APPROVED BY THE MUNICIPALITY ADMINISTRATIVELY AND
46 THE MUNICIPALITY MAY NOT REQUIRE A PUBLIC HEARING.

1 ~~[G.] [H.] A MUNICIPALITY MAY REQUIRE [SITE] [ON-SITE AND OFF-SITE]~~
2 ~~IMPROVEMENTS[.] [AND] IMPACT FEES[.] PLANS AND COMPLIANCE] FOR AN ALLOWED~~
3 ~~USE DEVELOPMENT ON AN ELIGIBLE SITE THAT ARE THE SAME AS [SITE] [ON-SITE~~
4 ~~AND OFF-SITE] IMPROVEMENTS[.] [AND] IMPACT FEES[.] PLANS AND COMPLIANCE]~~
5 ~~THAT ARE REQUIRED BY THE MUNICIPALITY FOR A COMPARABLE DEVELOPMENT~~
6 ~~PROJECT.~~

7 ~~[H. UNLESS THERE IS A LOCAL ORDINANCE, A FEDERAL, STATE OR LOCAL~~
8 ~~GRANT REQUIREMENT OR A PROJECT FINANCING REQUIREMENT THAT REQUIRES A~~
9 ~~CONFLICTING RESTRICTIVE COVENANT], THE RELIGIOUS INSTITUTION THAT ALLOWS~~
10 ~~DEVELOPMENT ON AN ELIGIBLE SITE OWNED BY THE RELIGIOUS INSTITUTION SHALL~~
11 ~~RECORD A DEED RESTRICTION THAT REQUIRES THE PROPERTY TO ALLOCATE FOR A~~
12 ~~PERIOD OF FIFTY-FIVE YEARS AT LEAST FORTY PERCENT OF THE UNITS IN THE~~
13 ~~ALLOWED USE DEVELOPMENT TO LOW-INCOME HOUSEHOLDS AS PRESCRIBED BY THE~~
14 ~~ARIZONA DEPARTMENT OF HOUSING.]~~

15 1. A RELIGIOUS INSTITUTION THAT ALLOWS AN ALLOWED USE DEVELOPMENT
16 ON AN ELIGIBLE SITE THAT IS OWNED BY THE RELIGIOUS INSTITUTION SHALL
17 NOTIFY THE COUNTY ASSESSOR IN THE COUNTY WHERE THE PROPERTY IS LOCATED IN
18 WRITING PURSUANT TO SECTION 42-11152 THAT THE PROPERTY IS NO LONGER USED
19 FOR THE PURPOSES THAT QUALIFY FOR EXEMPTION FROM TAXATION.

20 [J. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

21 1. LAND LOCATED IN THE TERRITORY IN THE VICINITY OF A FEDERAL
22 AVIATION ADMINISTRATION COMMERCIALY LICENSED AIRPORT, A MILITARY AIRPORT
23 OR A GENERAL AVIATION OR A PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.

24 2. LAND THAT IS ZONED FOR INDUSTRIAL USE.

25 3. LAND IN AN AREA DESIGNATED AS A DISTRICT OF HISTORICAL
26 SIGNIFICANCE AS PRESCRIBED IN SECTION 9-462.01, SUBSECTION A, PARAGRAPH
27 10.

28 4. LAND IN AN AREA DESIGNATED AS HISTORIC BY A LOCAL GOVERNMENT.

29 5. LAND IN AN AREA LISTED AS HISTORIC ON THE NATIONAL REGISTER OF
30 HISTORIC PLACES.]

31 ~~[J.] [K.] FOR THE PURPOSES OF THIS SECTION:~~

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

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

36 [2. "GROUND LEASE" MEANS A SHARED EQUITY AGREEMENT ENTERED INTO
37 BETWEEN THE OWNER OF A PIECE OF LAND AND THE OWNER OF A PIECE OF REAL
38 PROPERTY LOCATED ON THE LAND THAT ALLOWS FOR AN EQUAL DIVISION BETWEEN THE
39 OWNER OF THE LAND AND THE OWNER OF A PIECE OF REAL PROPERTY LOCATED ON THE
40 LAND OF THE APPRECIATED EQUITY IN THE LAND ON THE SALE OF THE LAND.]

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

43 4. "RELIGIOUS INSTITUTION" MEANS AN INSTITUTION THAT IS OWNED,
44 CONTROLLED, OPERATED AND MAINTAINED BY A CHURCH, RELIGIOUS DENOMINATION OR
45 RELIGIOUS ORGANIZATION THAT IS LAWFULLY OPERATING AS A NONPROFIT RELIGIOUS
46 CORPORATION.

[5. "SINGLE-FAMILY RESIDENTIAL" MEANS A DETACHED SINGLE-FAMILY HOME THAT IS INTENDED FOR USE AS PERMANENT HOUSING.]

Sec. 2. Title 11, chapter 6, article 2, Arizona Revised Statutes, is amended by adding section 11-820.05, to read:

11-820.05. Religious institutions; allowed use developments; requirements; regulation; applicability; definitions

A. NOTWITHSTANDING ANY COUNTY ZONING ORDINANCE, [FOR A RELIGIOUS INSTITUTION LOCATED IN AN AREA THAT IS ZONED AS OF JANUARY 1, 2025 FOR SINGLE-FAMILY RESIDENTIAL USE,] ANY SINGLE-FAMILY ~~[AND—MULTIFAMILY]~~ RESIDENTIAL HOUSING DEVELOPMENT ON ANY ELIGIBLE SITE IS CONSIDERED AN ALLOWED USE DEVELOPMENT IF THE DEVELOPMENT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

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

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

3. MEETS ALL COUNTY REGULATIONS FOR WATER AND SEWER ACCESS.

4. IS ON AN ELIGIBLE SITE THAT [, AS OF JANUARY 1, 2025,] HAS BEEN OWNED [EXCLUSIVELY] BY A RELIGIOUS INSTITUTION [FOR AT LEAST THE THREE YEARS PRECEDING THE PLANNED ALLOWED USE DEVELOPMENT] [, THAT HAS BEEN USED CONTINUOUSLY AND PRIMARILY FOR RELIGIOUS WORSHIP, THAT IS CLASSIFIED AS TAX-EXEMPT AS PRESCRIBED IN SECTION 42-11109 AND THAT WILL CONTINUE TO BE OWNED AND MAINTAINED BY THE RELIGIOUS INSTITUTION].

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

[6. IS SUBJECT TO A VALIDLY EXECUTED GROUND LEASE AGREEMENT.]

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

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

~~2. BE THE MAXIMUM HEIGHT ALLOWABLE BY THE CURRENT COUNTY ZONING REGULATIONS FOR RETAIL, OFFICE, RESIDENTIAL OR MIXED USE.~~

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

~~4. BE NOT MORE THAN THE HEIGHT OF ANY EXISTING BUILDING WITHIN ONE-FOURTH MILE OF THE ELIGIBLE SITE, EXCEPT FOR BUILDINGS DEVELOPED PURSUANT TO THIS SECTION.] [BE NOT MORE THAN THIRTY FEET AND TWO FULL FLOORS IF THE ALLOWED USE DEVELOPMENT IS LOCATED WITHIN ONE HUNDRED FIFTY FEET OF THE BOUNDARY OF AN AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.]~~

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

1. BE AT LEAST EIGHT TWENTY FEET FOR THE FRONT ~~[, SIDE AND REAR]~~ [SETBACK] OF THE ELIGIBLE SITE.

~~[2. BE THE SETBACKS ALLOWABLE BY THE CURRENT COUNTY ZONING REGULATIONS FOR RETAIL, OFFICE, RESIDENTIAL OR MIXED USE.~~

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

1 ~~4. BE AT LEAST THE SETBACKS EXISTING ON ANY NEIGHBORING SITE OR~~
2 ~~FACING SITE.]~~
3 ~~[2. BE AT LEAST FIFTEEN FEET FOR THE SIDE SETBACK OF THE ELIGIBLE~~
4 ~~SITE.]~~
5 ~~3. BE AT LEAST TWENTY FEET FOR THE REAR SETBACK OF THE ELIGIBLE~~
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7 D. THE GREATEST MAXIMUM LOT COVERAGE FOR AN ALLOWED USE DEVELOPMENT
8 ON AN ELIGIBLE SITE MUST ~~[MEET ONE OF THE FOLLOWING:~~
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19 ~~ELIGIBLE SITE MAY NOT BE LESS THAN BOTH OF THE FOLLOWING:~~
20 ~~1 TWENTY PERCENT OF THE MAXIMUM DENSITY ALLOWED BY APPLICABLE~~
21 ~~EXISTING COUNTY ZONING REGULATIONS.~~
22 ~~2. SEVENTEEN DWELLING UNITS PER ACRE.]~~
23 ~~[F.] [F.] A COUNTY MAY NOT IMPOSE ANY ADDITIONAL RESTRICTIONS ON~~
24 ~~AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE OTHER THAN THE RESTRICTIONS~~
25 ~~PROVIDED IN [SUBSECTIONS A, B, C AND D OF] THIS SECTION.~~
26 ~~[F.] [G.] A COUNTY MAY REQUIRE ADDITIONAL PERMITS FOR AN ALLOWED~~
27 ~~USE DEVELOPMENT ON AN ELIGIBLE SITE IF THE SAME PERMITS ARE REQUIRED BY~~
28 ~~THE COUNTY FOR A COMPARABLE DEVELOPMENT PROJECT. PERMITS REQUIRED BY A~~
29 ~~COUNTY FOR AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE SHALL BE~~
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38 ~~GRANT REQUIREMENT OR A PROJECT FINANCING REQUIREMENT THAT REQUIRES A~~
39 ~~CONFLICTING RESTRICTIVE COVENANT] [BEFORE THE ISSUANCE OF A CERTIFICATE OF~~
40 ~~OCCUPANCY, THE RELIGIOUS INSTITUTION THAT ALLOWS DEVELOPMENT ON AN~~
41 ~~ELIGIBLE SITE OWNED BY THE RELIGIOUS INSTITUTION SHALL RECORD A DEED~~
42 ~~RESTRICTION THAT REQUIRES THE PROPERTY TO ALLOCATE FOR A PERIOD OF~~
43 ~~FIFTY-FIVE YEARS AT LEAST FORTY PERCENT OF THE UNITS IN THE ALLOWED USE~~
44 ~~DEVELOPMENT TO LOW-INCOME HOUSEHOLDS AS PRESCRIBED BY THE ARIZONA~~
45 ~~DEPARTMENT OF HOUSING.]~~
46 I. A RELIGIOUS INSTITUTION THAT ALLOWS AN ALLOWED USE DEVELOPMENT
47 ON AN ELIGIBLE SITE THAT IS OWNED BY THE RELIGIOUS INSTITUTION SHALL

1 NOTIFY THE COUNTY ASSESSOR IN THE COUNTY WHERE THE PROPERTY IS LOCATED IN
2 WRITING PURSUANT TO SECTION 42-11152 THAT THE PROPERTY IS NO LONGER USED
3 FOR THE PURPOSES THAT QUALIFY FOR EXEMPTION FROM TAXATION.

4 [J. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

5 1. LAND LOCATED IN THE TERRITORY IN THE VICINITY OF A FEDERAL
6 AVIATION ADMINISTRATION COMMERCIALY LICENSED AIRPORT, A MILITARY AIRPORT
7 OR A GENERAL AVIATION OR A PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.

8 2. LAND THAT IS ZONED FOR INDUSTRIAL USE.

9 3. LAND IN AN AREA DESIGNATED AS A DISTRICT OF HISTORICAL
10 SIGNIFICANCE AS PRESCRIBED IN SECTION 9-462.01, SUBSECTION A, PARAGRAPH
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14 HISTORIC PLACES.]

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

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21 BETWEEN THE OWNER OF A PIECE OF LAND AND THE OWNER OF A PIECE OF REAL
22 PROPERTY LOCATED ON THE LAND THAT ALLOWS FOR AN EQUAL DIVISION BETWEEN THE
23 OWNER OF THE LAND AND THE OWNER OF A PIECE OF REAL PROPERTY LOCATED ON THE
24 LAND OF THE APPRECIATED EQUITY IN THE LAND ON THE SALE OF THE LAND.]

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30 CORPORATION.

31 [5. "SINGLE-FAMILY RESIDENTIAL" MEANS A DETACHED SINGLE-FAMILY HOME
32 THAT IS INTENDED FOR USE AS PERMANENT HOUSING.]

33 Enroll and engross to conform

34 Amend title to conform

DAVID LIVINGSTON

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