

## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2191**

Livingston Floor Amendment

- 
- Specifies that to be considered an allowed use development the eligible site must have been owned exclusively by a religious institution for at least 15 consecutive years.
  - Requires all allowed use developments on eligible sites to have a maximum height of 30 feet and two full floors.
  - Specifies the maximum density bonus for an allowed use development may not be more than 20% of the maximum density allowed by applicable regulations or 17 dwelling units per acre, whichever is less.
  - Mandates allowed use developments be subject to a validly executed land trust agreement that specifies: a) the governance, mission-aligned housing oversight and the religious institution's role; and b) that the religious institution may delegate decision-making authority to a selected management entity that meets specified parameters.
  - Requires allowed use developments be subject to a validly executed ground lease agreement providing for: a) the protection of the religious institution and residential homeowners; b) long-term affordability and community benefits; c) a monthly lease fee for single-family residential homeowners; d) a requirement that developed single-family residential homes include households that earn no more than 120% of the area median income; e) a resale sharing equity clause with specified provisions; and f) a limited appreciation clause restricting the resale value for a specified amount of time.
  - Requires a religious institution that allows allowed use developments to notify all residential neighborhoods within one half mile of the institution about proposed allowed use developments and hold a community meeting to receive feedback.
  - Alters the definition of *eligible site*.
  - Makes conforming changes.

Amendment explanation prepared by S. Robinson

Phone Number 6-3273

jh

3/19/2025

ADDITIONAL COW  
LIVINGSTON FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2191  
(Reference to House engrossed 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 RESIDENTIAL HOUSING  
10 DEVELOPMENT ON ANY ELIGIBLE SITE IS CONSIDERED AN ALLOWED USE DEVELOPMENT  
11 IF THE DEVELOPMENT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

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

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

15 3. MEETS ALL LOCAL REGULATIONS FOR WATER AND SEWER ACCESS.

16 4. IS ON AN ELIGIBLE SITE THAT, AS OF JANUARY 1, 2025, HAS BEEN  
17 OWNED EXCLUSIVELY BY A RELIGIOUS INSTITUTION [FOR AT LEAST FIFTEEN  
18 CONSECUTIVE YEARS], THAT HAS BEEN USED CONTINUOUSLY AND PRIMARILY FOR  
19 RELIGIOUS WORSHIP, THAT IS CLASSIFIED AS TAX-EXEMPT AS PRESCRIBED IN  
20 SECTION 42-11109 AND THAT WILL CONTINUE TO BE OWNED AND MAINTAINED BY THE  
21 RELIGIOUS INSTITUTION.

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

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

25 B. THE HEIGHT REQUIREMENTS FOR AN ALLOWED USE DEVELOPMENT ON AN  
26 ELIGIBLE SITE MUST BE NOT MORE THAN THIRTY FEET AND TWO FULL FLOORS [IF  
27 THE ALLOWED USE DEVELOPMENT IS LOCATED WITHIN ONE HUNDRED FIFTY FEET OF  
28 THE BOUNDARY OF AN AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE].

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

1        1. BE AT LEAST TWENTY FEET FOR THE FRONT SETBACK OF THE ELIGIBLE  
2 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  
6 SITE.

7        D. THE GREATEST MAXIMUM LOT COVERAGE FOR AN ALLOWED USE DEVELOPMENT  
8 ON AN ELIGIBLE SITE MUST BE NOT MORE THAN COVERAGE OF EIGHTY PERCENT OF  
9 THE ELIGIBLE SITE.

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

12       ~~1. TWENTY PERCENT OF THE MAXIMUM DENSITY ALLOWED BY APPLICABLE~~  
13 ~~EXISTING MUNICIPAL ZONING REGULATIONS.~~

14       ~~2. SEVENTEEN DWELLING UNITS PER ACRE] [BE MORE THAN TWENTY PERCENT~~  
15 ~~OF THE MAXIMUM DENSITY ALLOWED BY THE APPLICABLE ZONING REGULATIONS OR~~  
16 ~~SEVENTEEN DWELLING UNITS PER ACRE, WHICHEVER IS LESS].~~

17       F. A MUNICIPALITY MAY NOT IMPOSE ANY ADDITIONAL RESTRICTIONS ON AN  
18 ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE OTHER THAN THE RESTRICTIONS  
19 PROVIDED IN THIS SECTION.

20       G. A MUNICIPALITY MAY REQUIRE ADDITIONAL PERMITS FOR AN ALLOWED USE  
21 DEVELOPMENT ON AN ELIGIBLE SITE IF THE SAME PERMITS ARE REQUIRED BY THE  
22 MUNICIPALITY FOR A COMPARABLE DEVELOPMENT PROJECT. PERMITS REQUIRED BY A  
23 MUNICIPALITY FOR AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE SHALL BE  
24 APPROVED BY THE MUNICIPALITY ADMINISTRATIVELY AND THE MUNICIPALITY MAY NOT  
25 REQUIRE A PUBLIC HEARING.

26       H. A MUNICIPALITY MAY REQUIRE ON-SITE AND OFF-SITE IMPROVEMENTS,  
27 IMPACT FEES, PLANS AND COMPLIANCE FOR AN ALLOWED USE DEVELOPMENT ON AN  
28 ELIGIBLE SITE THAT ARE THE SAME AS ON-SITE AND OFF-SITE IMPROVEMENTS,  
29 IMPACT FEES, PLANS AND COMPLIANCE THAT ARE REQUIRED BY THE MUNICIPALITY  
30 FOR A COMPARABLE DEVELOPMENT PROJECT.

31       I. A RELIGIOUS INSTITUTION THAT ALLOWS AN ALLOWED USE DEVELOPMENT  
32 ON AN ELIGIBLE SITE THAT IS OWNED BY THE RELIGIOUS INSTITUTION SHALL  
33 NOTIFY THE COUNTY ASSESSOR IN THE COUNTY WHERE THE PROPERTY IS LOCATED IN  
34 WRITING PURSUANT TO SECTION 42-11152 THAT THE PROPERTY IS NO LONGER USED  
35 FOR THE PURPOSES THAT QUALIFY FOR EXEMPTION FROM TAXATION.

36       [J. AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE THAT IS  
37 DEVELOPED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO A VALIDLY EXECUTED  
38 LAND TRUST AGREEMENT. THE LAND TRUST AGREEMENT SHALL SPECIFY BOTH OF THE  
39 FOLLOWING:

40       1. THE GOVERNANCE AND MISSION-ALIGNED HOUSING OVERSIGHT AND THE  
41 ROLE OF THE RELIGIOUS INSTITUTION.

42       2. THAT THE RELIGIOUS INSTITUTION MAY DELEGATE DECISION-MAKING  
43 AUTHORITY TO A SELECTED MANAGEMENT ENTITY. THE SELECTED MANAGEMENT ENTITY  
44 SHALL BE ONE OF THE FOLLOWING:

45       (a) A NEWLY FORMED, SEPARATE NONPROFIT AND RELIGIOUS  
46 INSTITUTION-AFFILIATED COMMUNITY LAND TRUST.

47       (b) A PARTNERSHIP WITH AN EXISTING COMMUNITY LAND TRUST.

1       (c) ANY OTHER QUALIFIED RESIDENTIAL HOUSING PROPERTY MANAGER.  
2       K. AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE THAT IS DEVELOPED  
3 PURSUANT TO THIS SECTION SHALL BE SUBJECT TO A VALIDLY EXECUTED GROUND  
4 LEASE AGREEMENT. THE GROUND LEASE AGREEMENT SHALL PROVIDE ALL OF THE  
5 FOLLOWING:  
6       1. PROTECTION OF THE RELIGIOUS INSTITUTION AND THE SINGLE-FAMILY  
7 RESIDENTIAL HOMEOWNERS.  
8       2. LONG-TERM AFFORDABILITY AND COMMUNITY PUBLIC BENEFITS.  
9       3. A MONTHLY LEASE FEE FOR SINGLE-FAMILY RESIDENTIAL HOMEOWNERS  
10 THAT PROMOTES LONG-TERM AFFORDABILITY. THE MONTHLY LEASE FEES MAY BE USED  
11 BY MANAGEMENT OF THE ALLOWED USE DEVELOPMENT FOR COMPLIANCE AND MANAGEMENT  
12 OF THE PROJECT.  
13       4. A REQUIREMENT THAT A SINGLE-FAMILY RESIDENTIAL HOME THAT IS  
14 DEVELOPED PURSUANT TO THIS SECTION INCLUDE HOUSEHOLDS THAT EARN NOT MORE  
15 THAN ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME.  
16       5. A RESALE SHARING EQUITY CLAUSE THAT ALLOWS THE HOMEOWNER OF A  
17 SINGLE-FAMILY RESIDENTIAL HOME THAT IS DEVELOPED ON AN ELIGIBLE SITE TO  
18 RETAIN A PERCENTAGE OF THE SINGLE-FAMILY RESIDENTIAL HOME'S APPRECIATION  
19 EQUITY AND ALLOWS THE RELIGIOUS INSTITUTION OR HOUSING ENTITY TO KEEP A  
20 PERCENTAGE OF THE SINGLE-FAMILY RESIDENTIAL HOME'S APPRECIATION EQUITY FOR  
21 REINVESTMENT IN HOUSING PROGRAMS OR OTHER RELIGIOUS INSTITUTION  
22 PRIORITIES. THE RELIGIOUS INSTITUTION SHALL DETERMINE THE EQUITY SHARING  
23 PERCENTAGES WHEN EXECUTING THE GROUND LEASE AGREEMENT.  
24       6. A LIMITED APPRECIATION CLAUSE THAT RESTRICTS THE RESALE VALUE OF  
25 A SINGLE-FAMILY RESIDENTIAL HOME THAT IS DEVELOPED ON AN ELIGIBLE SITE FOR  
26 THE FIRST FIVE TO TEN YEARS AFTER DEVELOPMENT. THE LIMITED APPRECIATION  
27 RESTRICTION MAY BE DETERMINED BY THE RELIGIOUS INSTITUTION AND MAY BE  
28 CALCULATED USING ONE OF THE FOLLOWING METHODS:  
29       (a) AN INDEXED RATE THAT TIES THE RESALE PRICE OF A SINGLE-FAMILY  
30 HOME THAT IS DEVELOPED ON AN ELIGIBLE SITE TO AN ANNUAL CONSUMER PRICE  
31 INDEX.  
32       (b) A FIXED ANNUAL APPRECIATION RATE.  
33       L. A RELIGIOUS INSTITUTION THAT ALLOWS AN ALLOWED USE DEVELOPMENT  
34 ON AN ELIGIBLE SITE THAT IS OWNED BY THE RELIGIOUS INSTITUTION SHALL  
35 NOTIFY IN WRITING ALL OF THE RESIDENTIAL NEIGHBORHOODS LOCATED WITHIN  
36 ONE-HALF MILE OF THE RELIGIOUS INSTITUTION ABOUT THE PROPOSED ALLOWED USE  
37 DEVELOPMENT. THE RELIGIOUS INSTITUTION SHALL CONDUCT A COMMUNITY MEETING  
38 TO RECEIVE FEEDBACK FROM RESIDENTIAL NEIGHBORHOODS LOCATED WITHIN ONE-HALF  
39 MILE OF THE PROPOSED ALLOWED USE DEVELOPMENT.]  
40       [~~3.~~] [M.] THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:  
41       1. LAND LOCATED IN THE TERRITORY IN THE VICINITY OF A FEDERAL  
42 AVIATION ADMINISTRATION COMMERCIALY LICENSED AIRPORT, A MILITARY AIRPORT  
43 OR A GENERAL AVIATION OR A PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.  
44       2. LAND THAT IS ZONED FOR INDUSTRIAL USE.  
45       3. LAND IN AN AREA DESIGNATED AS A DISTRICT OF HISTORICAL  
46 SIGNIFICANCE AS PRESCRIBED IN SECTION 9-462.01, SUBSECTION A, PARAGRAPH  
47 10.

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

2 5. LAND IN AN AREA LISTED AS HISTORIC ON THE NATIONAL REGISTER OF  
3 HISTORIC PLACES.

4 ~~[K.]~~ [N.] FOR THE PURPOSES OF THIS SECTION:

5 1. "ELIGIBLE SITE" MEANS ~~[LAND OR BUILDINGS ON ONE OR MORE~~  
6 ~~CONTIGUOUS PARCELS OWNED BY ONE OR MORE RELIGIOUS INSTITUTIONS]~~ [NOT LESS  
7 THAN THREE ACRES OF LAND ON ONE OR MORE CONTIGUOUS PARCELS THAT ARE OWNED  
8 BY A RELIGIOUS INSTITUTION].

9 2. "GROUND LEASE" MEANS A SHARED EQUITY AGREEMENT ENTERED INTO  
10 BETWEEN THE OWNER OF A PIECE OF LAND AND THE OWNER OF A PIECE OF REAL  
11 PROPERTY LOCATED ON THE LAND THAT ALLOWS FOR AN EQUAL DIVISION BETWEEN THE  
12 OWNER OF THE LAND AND THE OWNER OF A PIECE OF REAL PROPERTY LOCATED ON THE  
13 LAND OF THE APPRECIATED EQUITY IN THE LAND ON THE SALE OF THE LAND.

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

16 4. "RELIGIOUS INSTITUTION" MEANS AN INSTITUTION THAT IS OWNED,  
17 CONTROLLED, OPERATED AND MAINTAINED BY A CHURCH, RELIGIOUS DENOMINATION OR  
18 RELIGIOUS ORGANIZATION THAT IS LAWFULLY OPERATING AS A NONPROFIT RELIGIOUS  
19 CORPORATION.

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

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

24 11-820.05. Religious institutions; allowed use developments;  
25 requirements; regulation; applicability;  
26 definitions

27 A. NOTWITHSTANDING ANY COUNTY ZONING ORDINANCE, FOR A RELIGIOUS  
28 INSTITUTION LOCATED IN AN AREA THAT IS ZONED AS OF JANUARY 1, 2025 FOR  
29 SINGLE-FAMILY RESIDENTIAL USE, ANY SINGLE-FAMILY RESIDENTIAL HOUSING  
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38 CONSECUTIVE YEARS], THAT HAS BEEN USED CONTINUOUSLY AND PRIMARILY FOR  
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40 SECTION 42-11109 AND THAT WILL CONTINUE TO BE OWNED AND MAINTAINED BY THE  
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44 ~~[6. IS SUBJECT TO A VALIDLY EXECUTED GROUND LEASE AGREEMENT.]~~

45 B. THE HEIGHT REQUIREMENTS FOR AN ALLOWED USE DEVELOPMENT ON AN  
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1 ~~THE ALLOWED USE DEVELOPMENT IS LOCATED WITHIN ONE HUNDRED FIFTY FEET OF~~  
2 ~~THE BOUNDARY OF AN AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE].~~

3 C. MINIMUM SETBACK REQUIREMENTS FOR AN ALLOWED USE DEVELOPMENT ON  
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9 3. BE AT LEAST TWENTY FEET FOR THE REAR SETBACK OF THE ELIGIBLE  
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11 D. THE GREATEST MAXIMUM LOT COVERAGE FOR AN ALLOWED USE DEVELOPMENT  
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27 FOR AN ALLOWED USE DEVELOPMENT ON AN ELIGIBLE SITE SHALL BE APPROVED BY  
28 THE COUNTY ADMINISTRATIVELY AND THE COUNTY MAY NOT REQUIRE A PUBLIC  
29 HEARING.

30 H. A COUNTY MAY REQUIRE ON-SITE AND OFF-SITE IMPROVEMENTS, IMPACT  
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34 DEVELOPMENT PROJECT.

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42 LAND TRUST AGREEMENT. THE LAND TRUST AGREEMENT SHALL SPECIFY BOTH OF THE  
43 FOLLOWING:

44 1. THE GOVERNANCE AND MISSION-ALIGNED HOUSING OVERSIGHT AND THE  
45 ROLE OF THE RELIGIOUS INSTITUTION.

1       2. THAT THE RELIGIOUS INSTITUTION MAY DELEGATE DECISION-MAKING  
2 AUTHORITY TO A SELECTED MANAGEMENT ENTITY. THE SELECTED MANAGEMENT ENTITY  
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4       (a) A NEWLY FORMED, SEPARATE NONPROFIT AND RELIGIOUS  
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6       (b) A PARTNERSHIP WITH AN EXISTING COMMUNITY LAND TRUST.

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16 LONG-TERM AFFORDABILITY. THE MONTHLY LEASE FEES MAY BE USED BY MANAGEMENT  
17 OF THE ALLOWED USE DEVELOPMENT FOR COMPLIANCE AND STEWARDSHIP OF THE  
18 PROJECT.

19       4. A REQUIREMENT THAT A SINGLE-FAMILY RESIDENTIAL HOME THAT IS  
20 DEVELOPED PURSUANT TO THIS SECTION INCLUDE HOUSEHOLDS THAT EARN NOT MORE  
21 THAN ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME.

22       5. A RESALE SHARING EQUITY CLAUSE THAT ALLOWS THE HOMEOWNER OF A  
23 SINGLE-FAMILY RESIDENTIAL HOME THAT IS DEVELOPED ON AN ELIGIBLE SITE TO  
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44 TO RECEIVE FEEDBACK FROM RESIDENTIAL NEIGHBORHOODS LOCATED WITHIN ONE-HALF  
45 MILE OF THE PROPOSED ALLOWED USE DEVELOPMENT.]

46       [+.] [M.] THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

- 1           1. LAND LOCATED IN THE TERRITORY IN THE VICINITY OF A FEDERAL  
2 AVIATION ADMINISTRATION COMMERCIALY LICENSED AIRPORT, A MILITARY AIRPORT  
3 OR A GENERAL AVIATION OR A PUBLIC AIRPORT AS DEFINED IN SECTION 28-8486.  
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6 SIGNIFICANCE AS PRESCRIBED IN SECTION 9-462.01, SUBSECTION A,  
7 PARAGRAPH 10.  
8           4. LAND IN AN AREA DESIGNATED AS HISTORIC BY A LOCAL GOVERNMENT.  
9           5. LAND IN AN AREA LISTED AS HISTORIC ON THE NATIONAL REGISTER OF  
10 HISTORIC PLACES.  
11           ~~[K.] [N.]~~ FOR THE PURPOSES OF THIS SECTION:  
12           1. "ELIGIBLE SITE" MEANS ~~[LAND OR BUILDINGS ON ONE OR MORE~~  
13 ~~CONTIGUOUS PARCELS OWNED BY ONE OR MORE RELIGIOUS INSTITUTIONS]~~ ~~[NOT LESS~~  
14 ~~THAN THREE ACRES OF LAND ON ONE OR MORE CONTIGUOUS PARCELS THAT ARE OWNED~~  
15 ~~BY A RELIGIOUS INSTITUTION]~~.  
16           2. "GROUND LEASE" MEANS A SHARED EQUITY AGREEMENT ENTERED INTO  
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18 PROPERTY LOCATED ON THE LAND THAT ALLOWS FOR AN EQUAL DIVISION BETWEEN THE  
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25 RELIGIOUS ORGANIZATION THAT IS LAWFULLY OPERATING AS A NONPROFIT RELIGIOUS  
26 CORPORATION.  
27           5. "SINGLE-FAMILY RESIDENTIAL" MEANS A DETACHED SINGLE-FAMILY HOME  
28 THAT IS INTENDED FOR USE AS PERMANENT HOUSING.

29 Enroll and engross to conform  
30 Amend title to conform

DAVID LIVINGSTON

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