
FAMILY ISSUE FACT SHEET

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SCHOOL ZONING EQUITY HB 2461 ZONING REGULATIONS; PRIVATE SCHOOLS

EXECUTIVE SUMMARY

Private schools provide a valuable educational opportunity for children in our state, and should not be singled out for more onerous zoning restrictions. HB 2461 ensures that municipalities and counties do not adopt or enforce zoning regulations that require private schools to have more than one acre to operate.¹ This puts private schools on par with charter schools in regards to lot size requirements.

BACKGROUND AND OVERVIEW

Current Arizona law allows counties and municipalities to impose more onerous zoning requirements on private schools that do not apply to other types of schools, thereby making it more difficult to open and operate private schools. For example, Tucson's Unified Development Code requires private schools in residential zones to have at least five acres in order to operate, while charter schools only need one acre.²

This Tucson ordinance recently became a heavy burden on Veritas Academy of Tucson (VAT) that operates on the campus of The Book of Life Community Church (BOLCC). The campus was the historic site of Palo Verde Christian School from 1957 to 2007. VAT began to operate on the campus in 2015, but soon after got a notice of violation for not complying with zoning ordinances. VAT was able to mitigate the minor violations, except for the five-acre requirement because the church only owned 4.46 acres. BOLCC had originally owned 5 acres, but yielded half an acre to the city of Tucson for a city well, and .04 acres were taken when the city installed a roundabout type of interchange. The city eventually granted VAT a special exception, but not after a laborious and time-consuming application process for a zoning examiner special exception.

HB 2461 does not seek special treatment for private schools but only equal treatment. Under A.R.S. § 15-189.01, municipalities and counties can require charter schools to have at least one acre to operate. This bill simply extends this lot size requirement to private schools.

TALKING POINTS

1. Private schools provide a valuable educational opportunity for children in our state, and should not be unfairly singled out for more onerous zoning restrictions.
2. Without the protection that this bill provides, counties and municipalities can

¹ Brophy McGee floor amendment on 3/15/18.

² Unified Development Code 4.9.3.D.2.

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unintentionally (or intentionally) make it much more difficult to open or operate private schools. Current law allows counties and municipalities to undermine the legislature's policy objective of increasing educational choices for children.

3. Children should be able to pursue the education that will help them achieve their fullest potential. For some, this might be in a private school. However, burdensome zoning restrictions on private schools limit the choices that families may have.

CONCLUSION

The Arizona legislature has prioritized the expansion of different educational opportunities for children in our state. However, current law allows municipalities and counties to single out private schools for more onerous zoning restrictions, thereby making it more difficult to open or operate private schools. HB 2461 ensures that private schools are treated fairly in regards to lot size requirements.