



*Town of Oro Valley
Community Development and Public Works*

Date: August 16, 2017
Subject: Zoning Interpretation – Land Use (OV1701999)
Location: 440 West Calle Concorida, Parcel number 225-11-292B

REQUEST

A zoning interpretation was requested by Bruce Call, representing The Church of Jesus Christ of Latter-day Saints (LDS). The nature of the request is to determine if a distribution center related to a religious institution is an allowed use at the Calle Concordia property.

The applicant defines a Distribution Center as a building used to distribute religious teaching materials and clothing, specifically to members of the LDS Church.

HISTORY

1974: Property was included in the original Town of Oro Valley limits

1983: The property was rezoned from R1-144 to PAD by The Church of Latter-day Saints. Per the April 28, 1983 Town Council meeting minutes, the rezoning was intended to allow 1.66 acres of the property to be used as a seminary and keep the rest of the property (two lots) as an R1-144 use.

1983: Development plan for the LDS seminary was approved by Council.

1996: Approximately 4 acres of the original LDS PAD property was rezoned to PSC and sold to another party. This left approximately 1 acre of land where the building and parking lot for the seminary is located. The 1 acre parcel remains zoned LDS PAD.

2000: The United States established the Religious Land Use and Institutionalized Persons Act (RLUIPA)

2017: The Church of Jesus Christ of LDS submitted a business license to operate a “retail store that sells religious clothing and curriculum” at 440 W. Calle Concordia.

Additional information was requested by the Planning and Zoning Division about the proposed use of the property.

2017: The applicant submitted a request for a zoning interpretation describing proposed specific details about the Distribution Center.

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APPLICABLE ZONING REFERENCES

Planned Area Development (PAD) :Is a unified area that provides for development proposals, which are superior to that which may occur under conventional zoning regulations and the objectives of section 24.4 of the zoning code.

Seminary: A special school providing education in theology, religious history, etc., primarily to prepare students for the priesthood, ministry, or rabbinate (Dictionary).

Accessory Use: A use customarily subordinate to the main use of the lot or building (OVZC Chapter 31).

Federal RLUIPA standards supersede local zoning codes.

INTERPRETATION

The current zoning to allow a seminary would traditionally only allow a minor religious related retail use as an accessory to the seminary. In the absences of a seminary use, the Town defers to the RLUIPA standards.

Under RLUIPA, Congress wanted religious exercise to be broadly construed "to the maximum extent permitted by the terms of [the statute] and the constitution". 42 U.S.C §§2000 cc to 2000 cc-5. Accordingly it defined religious exercise as "any exercise of religion, whether or not compelled by, or a central system of religious belief" (See § 2000 cc(a))

In this case the Mormon garment is central to its religious beliefs and the members need to obtain the garment to practice their faith.

SUMMARY


The Distribution Center for The Church of Jesus Christ of Latter-day Saints will be considered an approved use at the Calle Concordia property.

APPEALS

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town's website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.



Bayer Vella, LEED-AICP
Planning and Zoning Manager



Date

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