



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FINAL AMENDED
FACT SHEET FOR S.B. 1235

consideration of property rights; zoning

Purpose

Requires consideration of individual property rights and personal liberties from both the legislative body of a municipality and county Board of Supervisors (BOS) before a zoning ordinance is adopted.

Background

Article 2, Section 1, of the Arizona Constitution establishes that a frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government. Article 2, Section 2, of the Arizona Constitution stipulates that all political power is inherent in the people, and governments derive their just powers from the consent of the governed and are established to protect and maintain individual rights.

The legislative body of a municipality and the BOS may adopt ordinances to conserve and promote the public health, safety and general welfare (A.R.S. §§ 9-462.01 and 11-811).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires the legislative body of a municipality to consider individual property rights and personal liberties of the residents in the municipality prior to adopting a zoning ordinance.
2. Requires the BOS to consider individual property rights and personal liberties of the residents in the county prior to adopting a zoning ordinance.
3. Makes technical and conforming changes.
4. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

- Made technical change.

FACT SHEET – Final Amended

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Senate Action

GOV	2/10/16	DP	6-0-1-0
3 rd Read	2/18/16		29-0-1-0

House Action

CMA	3/07/16	DPA	7-0-0-1
3 rd Read	3/30/16		55-0-5-0

Signed by the Governor 5/11/16

Chapter 111

Prepared by Senate Research

June 1, 2016

RH/rf