

COMMITTEE ON REGULATORY AFFAIRS AND GOVERNMENT EFFICIENCY
SENATE AMENDMENTS TO S.B. 1352
(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. Section 9-462.01, Arizona Revised Statutes, is amended
3 to read:

4 9-462.01. Zoning regulations; public hearing; definitions

5 A. Pursuant to this article, the legislative body of any
6 municipality by ordinance, in order to conserve and promote the public
7 health, safety and general welfare, may:

8 1. Regulate the use of buildings, structures and land as between
9 agriculture, residence, industry, business and other purposes.

10 2. Regulate signs and billboards.

11 3. Regulate the location, height, bulk, number of stories and size
12 of buildings and structures, the size and use of lots, yards, courts and
13 other open spaces, the percentage of a lot that may be occupied by a
14 building or structure, access to incident solar energy and the intensity
15 of land use.

16 4. Establish requirements for off-street parking and loading.

17 5. Establish and maintain building setback lines.

18 6. Create civic districts around civic centers, public parks,
19 public buildings or public grounds and establish regulations for the civic
20 districts.

21 7. Require as a condition of rezoning public dedication of
22 rights-of-way as streets, alleys, public ways, drainage and public
23 utilities as are reasonably required by or related to the effect of the
24 rezoning.

25 8. Establish floodplain zoning districts and regulations to protect
26 life and property from the hazards of periodic inundation. Regulations
27 may include variable lot sizes, special grading or drainage requirements,
28 or other requirements deemed necessary for the public health, safety or
29 general welfare.

1 9. Establish special zoning districts or regulations for certain
2 lands characterized by adverse topography, adverse soils, subsidence of
3 the earth, high water table, lack of water or other natural or man-made
4 hazards to life or property. Regulations may include variable lot sizes,
5 special grading or drainage requirements, or other requirements deemed
6 necessary for the public health, safety or general welfare.

7 10. Establish districts of historical significance provided that:

8 (a) The ordinances may require that special permission be obtained
9 for any development within the district if the legislative body has
10 adopted a plan for the preservation of districts of historical
11 significance that meets the requirements of subdivision (b) of this
12 paragraph, and the criteria contained in the ordinance are consistent with
13 the objectives set forth in the plan.

14 (b) A plan for the preservation of districts of historical
15 significance shall identify districts of special historical significance,
16 state the objectives to be sought concerning the development or
17 preservation of sites, area and structures within the district, and
18 formulate a program for public action, including providing public
19 facilities and regulating private development and demolition necessary to
20 realize these objectives.

21 (c) The ordinance establishing districts of historical significance
22 shall set forth standards necessary to preserve the historical character
23 of the area so designated.

24 (d) The ordinances may designate or authorize any committee,
25 commission, department or person to designate structures or sites of
26 special historical significance in accordance with criteria contained in
27 the ordinance, and no designation shall be made except after a public
28 hearing on notice of the owners of record of the property designated of
29 special historical significance. The ordinances may require that special
30 permission be obtained for any development respecting the structures or
31 sites.

32 11. Establish age-specific community zoning districts in which
33 residency is restricted to a head of a household or spouse who must be of
34 a specific age or older and in which minors are prohibited from living in
35 the home. Age-specific community zoning districts shall not be overlaid
36 over property without the permission of all owners of property included as
37 part of the district unless all of the property in the district has been
38 developed, advertised and sold or rented under specific age restrictions.
39 The establishment of age-specific community zoning districts is subject to
40 all of the public notice requirements and other procedures prescribed by
41 this article.

42 12. Establish procedures, methods and standards for the transfer of
43 development rights within its jurisdiction. Any proposed transfer of
44 development rights from the sending property or to the receiving property
45 shall be subject to the notice and hearing requirements of section
46 9-462.04 and shall be subject to the approval and consent of the property

1 owners of both the sending and receiving property. Before any transfer of
2 development rights, a municipality shall adopt an ordinance providing for:

3 (a) The issuance and recordation of the instruments necessary to
4 sever development rights from the sending property and to affix
5 development rights to the receiving property. These instruments shall be
6 executed by the affected property owners and lienholders.

7 (b) The preservation of the character of the sending property and
8 assurance that the prohibitions against the use and development of the
9 sending property shall bind the landowner and every successor in interest
10 to the landowner.

11 (c) The severance of transferable development rights from the
12 sending property and the delayed transfer of development rights to a
13 receiving property.

14 (d) The purchase, sale, exchange or other conveyance of
15 transferable development rights before the rights being affixed to a
16 receiving property.

17 (e) A system for monitoring the severance, ownership, assignment
18 and transfer of transferable development rights.

19 (f) The right of a municipality to purchase development rights and
20 to hold them for resale.

21 (g) The right of a municipality at its discretion to enter into an
22 intergovernmental agreement with another municipality or a county for the
23 transfer of development rights between jurisdictions. The transfer shall
24 comply with this paragraph, except that if the sending property is located
25 in an unincorporated area of a county, the approval of the development
26 rights to be sent to a municipality shall comply with section 11-817.

27 B. For the purposes of subsection A of this section, the
28 legislative body may divide a municipality, or portion of a municipality,
29 into zones of the number, shape and area it deems best suited to carry out
30 the purpose of this article and articles 6, 6.2 and 6.3 of this chapter.

31 C. All zoning regulations shall be uniform for each class or kind
32 of building or use of land throughout each zone, but the regulations in
33 one type of zone may differ from those in other types of zones as follows:

34 1. Within individual zones, there may be uses permitted on a
35 conditional basis under which additional requirements must be met,
36 including requiring site plan review and approval by the planning agency.
37 The conditional uses are generally characterized by any of the following:

38 (a) Infrequency of use.

39 (b) High degree of traffic generation.

40 (c) Requirement of large land area.

41 2. Within residential zones, the regulations may permit
42 modifications to minimum yard lot area and height requirements.

43 D. To carry out the purposes of this article and articles 6 and 6.2
44 of this chapter, the legislative body may adopt overlay zoning districts
45 and regulations applicable to particular buildings, structures and land
46 within individual zones. For the purposes of this subsection, "overlay

1 zoning district" means a special zoning district that includes regulations
2 that modify regulations in another zoning district with which the overlay
3 zoning district is combined. Overlay zoning districts and regulations
4 shall be adopted pursuant to section 9-462.04.

5 E. The legislative body may approve a change of zone conditioned on
6 a schedule for development of the specific use or uses for which rezoning
7 is requested. If, at the expiration of this period, the property has not
8 been improved for the use for which it was conditionally approved, the
9 legislative body, after notification by certified mail to the owner and
10 applicant who requested the rezoning, shall schedule a public hearing to
11 take administrative action to extend, remove or determine compliance with
12 the schedule for development or take legislative action to cause the
13 property to revert to its former zoning classification.

14 F. All zoning and rezoning ordinances or regulations adopted under
15 this article shall be consistent with and conform to the adopted general
16 plan of the municipality, if any, as adopted under article 6 of this
17 chapter. In the case of uncertainty in construing or applying the
18 conformity of any part of a proposed rezoning ordinance to the adopted
19 general plan of the municipality, the ordinance shall be construed in a
20 manner that will further the implementation of, and not be contrary to,
21 the goals, policies and applicable elements of the general plan. A
22 rezoning ordinance conforms with the land use element of the general plan
23 if it proposes land uses, densities or intensities within the range of
24 identified uses, densities and intensities of the land use element of the
25 general plan.

26 G. A regulation or ordinance under this section may not prevent or
27 restrict agricultural composting on farmland that is five or more
28 contiguous acres and that meets the requirements of this subsection. An
29 agricultural composting operation shall notify in writing the legislative
30 body of the municipality and the nearest fire department of the location
31 of the composting operation. If the nearest fire department is located in
32 a different municipality from the agricultural composting operation, the
33 agricultural composting operation shall also notify in writing the fire
34 department of the municipality in which the operation is located.
35 Agricultural composting is subject to sections 3-112 and 49-141.
36 Agricultural composting may not be conducted within one thousand three
37 hundred twenty feet of an existing residential use, unless the operations
38 are conducted on farmland or land leased in association with farmland.
39 Any disposal of manure shall comply with section 49-247. For the purposes
40 of this subsection:

41 1. "Agricultural composting" means the controlled biological
42 decomposition of organic solid waste under in-vessel anaerobic or aerobic
43 conditions where all or part of the materials are generated on the
44 farmland or will be used on the farmland associated with the agricultural
45 composting operation.

1 2. "Farmland" has the same meaning prescribed in section 3-111 and
2 is subject to regulation under section 49-247.

3 H. A municipality may not adopt a land use regulation or impose any
4 condition for issuance of a building or use permit or other approval that
5 violates section 9-461.16.

6 I. In accordance with article II, sections 1 and 2, Constitution of
7 Arizona, the legislative body of a municipality shall consider the
8 individual property rights and personal liberties of the residents of the
9 municipality before adopting any zoning ordinance.

10 J. Before adopting any zoning ordinance or zoning ordinance text
11 amendment of general applicability, the legislative body of a municipality
12 shall consider a housing impact statement regarding the impact of the
13 zoning ordinance or zoning ordinance text amendment that shall include:

14 1. A general estimate of the probable impact on the average cost to
15 construct housing for sale or rent within the zoning districts to which
16 the zoning ordinance or text amendment applies.

17 2. A description of any data or reference material on which the
18 proposed zoning ordinance or text amendment is based.

19 3. A description of any less costly or less restrictive alternative
20 methods of achieving the purpose of the proposed zoning ordinance or text
21 amendment.

22 K. A municipality may not adopt or enforce a land use regulation
23 that requires the property on which a nongovernmental primary or secondary
24 school operates to be larger than one acre.

25 L. NOTWITHSTANDING ANY OTHER LAW, THE APPROVAL BY THE LEGISLATIVE
26 BODY OF AN APPLICATION FOR REZONING PURSUANT TO THIS SECTION IS AN
27 ADMINISTRATIVE ACT AND IS NOT SUBJECT TO THE FILING OF A REFERENDUM
28 PETITION BY A PERSON OR ORGANIZATION. THE APPROVAL BY THE LEGISLATIVE
29 BODY OF AN APPLICATION FOR REZONING PURSUANT TO THIS SECTION IS ALL OF THE
30 FOLLOWING:

31 1. OF A TEMPORARY AND SPECIAL CHARACTER.

32 2. PURSUING A PLAN ALREADY ADOPTED BY THE MUNICIPALITY.

33 3. OF A SPECIFIC AND LIMITED APPLICATION.

34 ~~L.~~ M. For the purposes of this section:

35 1. "Development rights" means the maximum development that would be
36 allowed on the sending property under any general or specific plan and
37 local zoning ordinance of a municipality in effect on the date the
38 municipality adopts an ordinance pursuant to subsection A, paragraph 12 of
39 this section respecting the permissible use, area, bulk or height of
40 improvements made to the lot or parcel. Development rights may be
41 calculated and allocated in accordance with factors including dwelling
42 units, area, floor area, floor area ratio, height limitations, traffic
43 generation or any other criteria that will quantify a value for the
44 development rights in a manner that will carry out the objectives of this
45 section.

1 2. "Receiving property" means a lot or parcel within which
2 development rights are increased pursuant to a transfer of development
3 rights. Receiving property shall be appropriate and suitable for
4 development and shall be sufficient to accommodate the transferable
5 development rights of the sending property without substantial adverse
6 environmental, economic or social impact to the receiving property or to
7 neighboring property.

8 3. "Sending property" means a lot or parcel with special
9 characteristics, including farmland, woodland, desert land, mountain land,
10 floodplain, natural habitats, recreation or parkland, including golf
11 course area, or land that has unique aesthetic, architectural or historic
12 value that a municipality desires to protect from future development.

13 4. "Transfer of development rights" means the process by which
14 development rights from a sending property are affixed to one or more
15 receiving properties.

16 Sec. 2. Section 11-814, Arizona Revised Statutes, is amended to
17 read:

18 11-814. Rezoning; conditional zoning change; notice; hearing;
19 citizen review; administrative act; definition

20 A. All rezonings adopted under this article shall be consistent
21 with and conform to the adopted comprehensive plan. In the case of
22 uncertainty in constructing or applying the conformity of any part of a
23 proposed rezoning to the adopted comprehensive plan, the rezoning shall be
24 construed in a manner that will further the implementation of, and not be
25 contrary to, the goals, policies and applicable elements of the
26 comprehensive plan. A rezoning conforms with the comprehensive plan if it
27 proposes land uses, densities or intensities within the range of
28 identified uses, densities and intensities of the comprehensive plan.

29 B. A property owner or authorized agent of a property owner
30 desiring a rezoning shall file an application for the rezoning.

31 C. The commission, on its own motion, may propose a rezoning and,
32 after holding a public hearing as required by this chapter, may transmit
33 the proposal to the board, which shall proceed as prescribed in this
34 chapter for any other rezoning.

35 D. On receipt of the application, the board shall submit the
36 application to the commission for a report. Before reporting to the
37 board, the commission shall hold at least one public hearing after giving
38 at least fifteen days' notice of the hearing by one publication in a
39 newspaper of general circulation in the county seat and by posting of the
40 area included in the proposed rezoning. If the matter to be considered
41 applies to territory in a high noise or accident potential zone as defined
42 in section 28-8461, the notice shall include a general statement that the
43 matter applies to property located in the high noise or accident potential
44 zone. The posting shall be in not less than two places with at least one
45 notice for each quarter mile of frontage along perimeter public
46 rights-of-way so that the notices are visible from the nearest public

1 right-of-way. The commission shall also send notice by first class mail
2 to each real property owner as shown on the last assessment of the
3 property within three hundred feet of the proposed rezoning and each
4 county and municipality that is contiguous to the area of the proposed
5 rezoning. In proceedings involving rezoning of land that is located
6 within territory in the vicinity of a military airport or ancillary
7 military facility as defined in section 28-8461 or an influence area of a
8 military installation or range or Arizona national guard site, the
9 commission shall send copies of the notice of public hearing by first
10 class mail to the military airport, ~~or the~~ military installation or range
11 or Arizona national guard site as applicable. The notice sent by mail
12 shall include, at a minimum, the date, time and place of the hearing on
13 the proposed rezoning, including a general explanation of the matter to be
14 considered and a general description of the area of the proposed rezoning.
15 For those counties with five or more supervisors, the notice must include
16 a general description of how the real property owners within the zoning
17 area may file approvals or protests of the proposed rezoning, and
18 notification that if twenty percent of the property owners by area and
19 number within the zoning area file protests, an affirmative vote of
20 three-fourths of all members of the board will be required to approve the
21 rezoning. In proceedings that are initiated by the commission involving
22 rezoning, notice by first class mail shall be sent to each real property
23 owner, as shown on the last assessment of the property, of the area to be
24 rezoned and all property owners, as shown on the last assessment of the
25 property, within three hundred feet of the property to be rezoned. For
26 the purposes of this subsection, "influence area" and "military
27 installation or range or Arizona national guard site" have the same
28 meanings prescribed in section 11-818.01.

29 E. If the commission or hearing officer has held a public hearing,
30 the board may adopt the recommendations of the commission or hearing
31 officer through use of a consent calendar without holding a second public
32 hearing if there is no objection, request for public hearing or other
33 protest. If there is an objection, a request for public hearing or a
34 protest, the board shall hold a public hearing at least fifteen days'
35 notice of which shall be given by one publication in a newspaper of
36 general circulation in the county seat and by posting the area included in
37 the proposed rezoning. In counties with territory in the vicinity of a
38 military airport or ancillary military facility as defined in section
39 28-8461, the board shall hold a public hearing if, after notice is mailed
40 to the military airport pursuant to subsection D of this section and
41 before the public hearing, the military airport provides comments or
42 analysis concerning the compatibility of the proposed rezoning with the
43 high noise or accident potential generated by military airport or
44 ancillary military facility operations that may have an adverse impact on
45 public health and safety, and the board shall consider and analyze the
46 comments or analysis before making a final determination. After holding

1 the hearing, the board may adopt the rezoning by a majority vote of the
2 board for those counties with fewer than five supervisors, or for those
3 counties with five or more supervisors if a protest has not been filed.
4 If twenty percent of the owners of property by area and number within the
5 zoning area file a protest to the proposed rezoning, the change shall not
6 be made except by a three-fourths vote of all members of the board for
7 those counties with five or more supervisors. If any members of the board
8 are unable to vote on the question because of a conflict of interest, the
9 required number of votes for the passage of the question is three-fourths
10 of the remaining membership of the board for those counties with five or
11 more supervisors, except that the required number of votes shall NOT be
12 less than a majority of the full membership of the board. In calculating
13 the owners by area, only that portion of a lot or parcel of record
14 situated within three hundred feet of the property to be rezoned shall be
15 included. In calculating the owners by number or area, county property
16 and public rights-of-way shall not be included.

17 F. The board of supervisors shall adopt by ordinance a citizen
18 review process that applies to all rezoning and specific zoning plan
19 applications that require a public hearing. The citizen review process
20 shall include at least the following requirements:

21 1. Adjacent landowners and other potentially affected citizens will
22 be notified of the application.

23 2. The county will inform adjacent landowners and other potentially
24 affected citizens of the substance of the proposed rezoning.

25 3. Adjacent landowners and other potentially affected citizens will
26 be provided an opportunity to express any issues or concerns that they may
27 have with the proposed rezoning before the public hearing.

28 G. The rezoning or subdivision plat of any unincorporated area
29 completely surrounded by a city or town shall use as a guideline the
30 adopted general plan and standards as prescribed in the subdivision and
31 zoning ordinances of the city or town.

32 H. The board or commission, before taking any action on a rezoning
33 or subdivision plat in an area as prescribed in subsection G of this
34 section, may require the affected city or town to supply information to
35 allow the county to meet the guideline. If an affected city or town
36 objects to any such proposed action, the board or commission shall
37 prescribe in the minutes of the meeting specific reasons why in its
38 opinion the guideline is actually being followed or why it is not
39 practicable to follow the guideline of the general plan.

40 I. The board may approve a change of zone conditioned on a schedule
41 for development of the specific use or uses for which rezoning is
42 requested. If at the expiration of this period the property has not been
43 improved for the use for which it was conditionally approved, the board
44 after notification by certified mail to the owner and applicant who
45 requested the rezoning shall schedule a public hearing to grant an

1 extension, determine compliance with the schedule for development or cause
2 the property to revert to its former zoning classification.

3 J. The legislature finds that a rezoning of land that changes the
4 zoning classification of the land or that restricts the use or reduces the
5 value of the land is a matter of statewide concern. Such a change in
6 zoning that is initiated by the governing body or zoning body shall not be
7 made without the express written consent of the property owner. In
8 applying an open space element or a growth element of a comprehensive
9 plan, a parcel of land shall not be rezoned for open space, recreation,
10 conservation or agriculture unless the owner of the land consents to the
11 rezoning in writing. For the purposes of this subsection, rezoning does
12 not include the creation or expansion of overlay zones solely for the
13 purpose of implementing airport safety and protection. Rezoning also does
14 not include the redesignation of areas of the county to which the
15 residential provisions of the county building codes apply or do not apply.
16 The county shall not adopt any change in a zoning classification to
17 circumvent the purpose of this subsection.

18 K. Notwithstanding title 19, chapter 1, article 4, a decision by
19 the governing body involving rezoning of land that is not owned by the
20 county and that changes the zoning classification of the land may not be
21 enacted as an emergency measure and such a change shall not be effective
22 for at least thirty days after final approval of the change in
23 classification by the board. Unless a resident files a written objection
24 with the board of supervisors, the rezoning may be enacted as an emergency
25 measure that becomes effective immediately by a four-fifths majority vote
26 of the board for those counties with five or more supervisors or a
27 two-thirds majority vote of the board for those counties with fewer than
28 five supervisors.

29 L. NOTWITHSTANDING ANY OTHER LAW, THE APPROVAL BY THE BOARD OF AN
30 APPLICATION FOR REZONING PURSUANT TO THIS SECTION IS AN ADMINISTRATIVE ACT
31 AND IS NOT SUBJECT TO THE FILING OF A REFERENDUM PETITION BY A PERSON OR
32 ORGANIZATION. THE APPROVAL BY THE BOARD OF AN APPLICATION FOR REZONING
33 PURSUANT TO THIS SECTION IS ALL OF THE FOLLOWING:

- 34 1. OF A TEMPORARY AND SPECIAL CHARACTER.
35 2. PURSUING A PLAN ALREADY ADOPTED BY THE COUNTY.
36 3. OF A SPECIFIC AND LIMITED APPLICATION.

37 ~~L.~~ M. For the purposes of this section, "zoning area" means the
38 area within three hundred feet of the proposed amendment or change.

39 Sec. 3. Section 19-141, Arizona Revised Statutes, is amended to
40 read:

41 19-141. Initiative and referendum in counties, cities and
42 towns

43 A. This chapter applies to the legislation of cities, towns and
44 counties, except as specifically provided to the contrary in this
45 article. The duties required of the secretary of state as to state
46 legislation shall be performed in connection with such legislation by the

1 city or town clerk, county officer in charge of elections or person
2 performing the duties as such. The duties required of the governor shall
3 be performed by the mayor or the chairman of the board of supervisors, the
4 duties required of the attorney general shall be performed by the city,
5 town or county attorney, and the printing and binding of measures and
6 arguments shall be paid for by the city, town or county in like manner as
7 payment is provided for by the state with respect to state legislation.
8 The provisions of section 19-124 with respect to the legislative council
9 analysis do not apply in connection with initiatives and referenda in
10 cities, towns and counties. The printing shall be done in the same manner
11 as other municipal or county printing is done.

12 B. Distribution of pamphlets shall be made to every household
13 containing a registered voter in the city, town or county by the city or
14 town clerk or by the county officer in charge of elections by mail before
15 the earliest date for receipt by registered voters of any requested early
16 ballot for the election at which the measures are to be voted on. If the
17 pamphlet is not mailed before the earliest date for receipt of a requested
18 early ballot, the officer in charge of elections shall provide a notice
19 with the early ballots stating when the pamphlets will be mailed and where
20 and when the pamphlets may be accessed or viewed. Any contract for
21 pamphlet publication or mailing, or both, shall provide for the contractor
22 to pay a penalty for each day of mailing that occurs on or after the
23 earliest date for receipt of requested early ballots. The penalty shall
24 be ~~one-cent~~ \$.01 for each household with a registered voter for each day
25 of late mailing, and the monies shall be paid to the office of the officer
26 in charge of elections. Pamphlets shall not be mailed or carried less
27 than ten days before the election at which the measures are to be voted
28 ~~upon~~ ON.

29 C. Arguments supporting or opposing municipal or county initiative
30 and referendum measures shall be filed with the city or town clerk or the
31 county officer in charge of elections not less than ninety days before the
32 election at which they are to be voted ~~upon~~ ON.

33 D. The procedure with respect to municipal and county legislation
34 shall be as nearly as practicable the same as the procedure relating to
35 initiative and referendum provided for the state at large, except the
36 procedure for verifying signatures on initiative or referendum petitions
37 may be established by a city or town by charter or ordinance.

38 E. References in this section to duties to be performed by city or
39 town officers apply only with respect to municipal legislation, and
40 references to duties to be performed by county officers apply only with
41 respect to county legislation.

42 F. The duties required of the county recorder with respect to state
43 legislation shall also be performed by the county recorder with respect to
44 municipal or county legislation.

45 G. NOTWITHSTANDING ANY OTHER LAW, AN APPLICATION FOR REZONING THAT
46 IS APPROVED BY THE BOARD OF SUPERVISORS OF A COUNTY IS CONSIDERED AN

1 ADMINISTRATIVE ACT PURSUANT TO SECTION 11-814 AND IS NOT SUBJECT TO THE
2 FILING OF A REFERENDUM PETITION BY A PERSON OR ORGANIZATION.

3 Sec. 4. Section 19-142, Arizona Revised Statutes, is amended to
4 read:

5 19-142. Referendum petitions against municipal actions;
6 emergency measures; zoning actions

7 A. The whole number of votes cast at the citywide or townwide
8 election at which a mayor or councilmen were chosen last preceding the
9 submission of the application for a referendum petition against an
10 ordinance, franchise or resolution shall be the basis on which the number
11 of electors of the city or town required to file a referendum petition
12 shall be computed. For the purposes of this section, a citywide or
13 townwide election is an election at which all of the qualified electors of
14 a city or town are eligible to vote for a mayor or members of the city or
15 town council. The petition shall be filed with the city or town clerk
16 within thirty days after passage of the ordinance, resolution or
17 franchise.

18 B. A city or town ordinance, resolution or franchise shall not
19 become operative until thirty days after its passage by the council and
20 approval by the mayor, unless it is passed over the mayor's veto, and then
21 it shall not become operative until thirty days after final approval and
22 until certification by the clerk of the city or town of the minutes of the
23 meeting at which the action was taken, except emergency measures necessary
24 for the immediate preservation of the peace, health or safety of the city
25 or town. An emergency measure shall not become immediately operative
26 unless it states in a separate section the reason why it is necessary that
27 it should become immediately operative, and unless it is approved by the
28 affirmative vote of three-fourths of all the members elected to the city
29 or town council, taken by ayes and noes, and also approved by the mayor.

30 C. At the time a person or organization intending to file a
31 referendum petition against an ordinance or resolution applies for the
32 issuance of an official number pursuant to section 19-111, the city or
33 town clerk shall provide such person or organization with a full and
34 correct copy of the ordinance or resolution in the form as finally
35 adopted. If the copy of the ordinance or resolution proposed as a
36 referendum is not available to such person or organization at the time of
37 making application for an official number or on the same business day as
38 the application is submitted, the thirty-day period prescribed in
39 subsection A of this section begins on the day that the ordinance or
40 resolution is available from the city or town clerk, and the ordinance or
41 resolution shall not become operative until thirty days after the
42 ordinance or resolution is available.

43 ~~D. Notwithstanding subsection C of this section, a person or~~
44 ~~organization may file a referendum petition against the rezoning of a~~
45 ~~parcel of property on the approval by the city or town council of the~~
46 ~~ordinance that adopts the rezoning or on the approval of that portion of~~

~~1 the minutes of the city or town council that includes the council's~~
~~2 approval of the rezoning, whichever occurs first. The thirty day period~~
~~3 prescribed in subsection A of this section begins on the day that the~~
~~4 rezoning ordinance or approved minutes or portion of the approved minutes~~
~~5 are available from the city or town clerk and the ordinance is not~~
~~6 operative until thirty days after the ordinance or minutes are available.~~

7 D. NOTWITHSTANDING ANY OTHER LAW, AN APPLICATION FOR REZONING THAT
8 IS APPROVED BY THE GOVERNING BODY OF A MUNICIPALITY IS CONSIDERED AN
9 ADMINISTRATIVE ACT PURSUANT TO SECTION 9-462.01 AND IS NOT SUBJECT TO THE
10 FILING OF A REFERENDUM PETITION BY A PERSON OR ORGANIZATION.

11 <<Sec. 5. Retroactivity

12 [This act applies retroactively to from and after June 30, 2024.]>>

13 Enroll and engross to conform

14 Amend title to conform

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