



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

FACT SHEET FOR H.B. 2734

~~affordable housing; parking requirements; prohibition~~  
(NOW: public hearings; voting)

Purpose

Limits the number of public hearings for any residential rezoning ordinance to two hearings. Modifies requirements relating to a protest of a proposed zoning amendment.

Background

Statute authorizes municipalities to adopt zoning ordinances and codes to conserve and promote the public health, safety, convenience and general welfare. The governing body of a municipality must adopt by ordinance a citizen review process that applies to all rezoning and specific plan applications that require a public hearing. Any zoning ordinances that propose to change property from one zone to another, that imposes any regulation not previously imposed or that removes any such regulation previously imposed must be adopted following procedures in accordance with the citizen review process and in the manner set for public hearings (A.R.S. §§ [9-462.01](#) and [9-462.03](#)).

If a municipality has a planning commission or a hearing officer, the planning commission or hearing officer must hold a public hearing on any zoning ordinance. After the hearing, the planning commission or hearing office must render a written recommendation to the governing body of the municipality. The governing body may adopt the recommendations without holding a second public hearing provided there is no objection, request for public hearing.

If 20 percent or more of the owners of the property, by area and number of lots, tracts and condominiums, within the zoning area of the affected property file a written protest against a proposed amendment, the change must only become effective by a favorable vote of three-fourths of all members of the governing body of the municipality. If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question must be three-fourths of the remaining membership of the governing body, provided that such required number of votes may not be less than a majority of the full membership of the legally established governing body ([A.R.S. § 9-462.04](#)).

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

Provisions

1. Requires a public hearing on any residential rezoning ordinance to be limited to no more than two hearings.

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2. Excludes government property from the property in a zoning area in which the property owners may file a protest against a proposed zoning amendment.
3. Requires the protest of a proposed zoning amendment to be filed in the office of the clerk of the municipality no later than 12:00 p.m. three business days before, rather than one business day before, the date that the governing body will vote on the amendment.
4. Stipulates that if the deadline to file a protest of a proposed zoning amendment falls on a state or national holiday, then the protest must be filed by 12:00 p.m. the next business day.
5. Makes technical changes.
6. Becomes effective on the general effective date.

House Action

COM	2/13/24	FAILED	4-5-1-0
	2/13/24	DPA/SE ON RECON	9-1-0-0
3 <sup>rd</sup> Read	2/28/24		41-18-0-0-1

Prepared by Senate Research

March 14, 2024

JT/cs