

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 148

HOUSE BILL 2601

AN ACT

AMENDING SECTIONS 9-461.05, 9-461.06, 9-462.03, 11-806, 11-821, 11-823, 11-824 AND 11-829, ARIZONA REVISED STATUTES; AMENDING LAWS 1998, CHAPTER 204, SECTION 21, AS AMENDED BY LAWS 1999, CHAPTER 222, SECTION 2; RELATING TO MUNICIPAL AND COUNTY PLANNING AND ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-461.05, Arizona Revised Statutes, is amended to
3 read:

4 9-461.05. General plans; authority; scope

5 A. Each planning agency shall prepare and the ~~legislative~~ GOVERNING
6 body of each municipality shall adopt a comprehensive, long-range general
7 plan for the development of the municipality. The planning agency shall
8 coordinate the production of its general plan with the creation of the state
9 land department conceptual land use plans under title 37, chapter 2, article
10 5.1 and shall cooperate with the state land department regarding integrating
11 the conceptual state land use plans into the municipality's general land use
12 plan. The general plan shall include provisions that identify changes or
13 modifications to the plan that constitute amendments and major amendments.
14 The plan shall be adopted and readopted in the manner prescribed by section
15 9-461.06.

16 B. The general plan shall be so prepared that all or individual
17 elements of it may be adopted by the ~~legislative~~ GOVERNING body and that it
18 may be made applicable to all or part of the territory of the municipality.

19 C. The general plan shall consist of a statement of community goals
20 and development policies. It shall include maps, any necessary diagrams and
21 text setting forth objectives, principles, standards and plan proposals. The
22 plan shall include the following elements:

23 1. A land use element that:

24 (a) Designates the proposed general distribution and location and
25 extent of such uses of the land for housing, business, industry, agriculture,
26 recreation, education, public buildings and grounds, open space and other
27 categories of public and private uses of land as may be appropriate to the
28 municipality.

29 (b) Includes a statement of the standards of population density and
30 building intensity recommended for the various land use categories covered
31 by the plan.

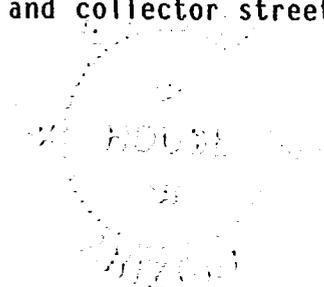
32 (c) Identifies specific programs and policies that the municipality
33 may use to promote infill or compact form development activity and locations
34 where those development patterns should be encouraged.

35 (d) Includes consideration of air quality and access to incident
36 solar energy for all general categories of land use.

37 (e) Includes policies that address maintaining a broad variety of
38 land uses including the range of uses existing in the municipality when the
39 plan is adopted, readopted or amended.

40 (f) For cities and towns with territory in the vicinity of a military
41 airport as defined in section 28-8461, includes consideration of military
42 airport operations.

43 2. A circulation element consisting of the general location and
44 extent of existing and proposed freeways, arterial and collector streets,



1 bicycle routes and any other modes of transportation as may be appropriate,
2 all correlated with the land use element of the plan.

3 D. For cities and towns having a population of more than two thousand
4 five hundred persons but less than ten thousand persons and whose population
5 growth rate exceeded an average of two per cent per year for the ten year
6 period before the most recent United States decennial census and for cities
7 and towns having a population of ten thousand or more persons according to
8 the most recent United States decennial census, the general plan shall
9 include, and for other cities and towns the general plan may include:

10 1. An open space element that includes:

11 (a) A comprehensive inventory of open space areas, recreational
12 resources and designations of access points to open space areas and
13 resources.

14 (b) An analysis of forecasted needs, policies for managing and
15 protecting open space areas and resources and implementation strategies to
16 acquire additional open space areas and further establish recreational
17 resources.

18 (c) Policies and implementation strategies designed to promote a
19 regional system of integrated open space and recreational resources and a
20 consideration of any existing regional open space plans.

21 2. A growth area element, specifically identifying those areas, if
22 any, that are particularly suitable for planned multimodal transportation and
23 infrastructure expansion and improvements designed to support a planned
24 concentration of a variety of uses, such as residential, office, commercial,
25 tourism and industrial uses. This element shall include policies and
26 implementation strategies that are designed to:

27 (a) Make automobile, transit and other multimodal circulation more
28 efficient, make infrastructure expansion more economical and provide for a
29 rational pattern of land development.

30 (b) Conserve significant natural resources and open space areas in
31 the growth area and coordinate their location to similar areas outside the
32 growth area's boundaries.

33 (c) Promote the public and private construction of timely and
34 financially sound infrastructure expansion through the use of infrastructure
35 funding and financing planning that is coordinated with development activity.

36 3. An environmental planning element that contains analysis, policies
37 and strategies to address anticipated effects, if any, of plan elements on
38 air quality, water quality and natural resources associated with proposed
39 development under the general plan. The policies and strategies to be
40 developed under this element shall be designed to have community-wide
41 applicability and shall not require the production of an additional
42 environmental impact statement or similar analysis beyond the requirements
43 of state and federal law.

1 4. A cost of development element that identifies policies and
2 strategies that the municipality will use to require development to pay its
3 fair share toward the cost of additional public service needs generated by
4 new development, with appropriate exceptions when in the public interest.
5 This element shall include:

6 (a) A component that identifies various mechanisms that are allowed
7 by law and that can be used to fund and finance additional public services
8 necessary to serve the development, including bonding, special taxing
9 districts, development fees, in lieu fees, facility construction, dedications
10 and service privatization.

11 (b) A component that identifies policies to ensure that any
12 mechanisms that are adopted by the municipality under this element result in
13 a beneficial use to the development, bear a reasonable relationship to the
14 burden imposed on the municipality to provide additional necessary public
15 services to the development and otherwise are imposed according to law.

16 5. A water resources element that addresses:

17 (a) The ~~currently~~ KNOWN LEGALLY AND PHYSICALLY available surface
18 water, groundwater and effluent supplies.

19 (b) ~~An analysis of how~~ The DEMAND FOR WATER THAT WILL RESULT FROM
20 future growth projected in the general plan, ADDED TO EXISTING USES. ~~will~~
21 ~~be adequately served by the legally and physically available water supply or~~
22 ~~a plan to obtain additional necessary water supplies.~~

23 (c) AN ANALYSIS OF HOW THE DEMAND FOR WATER THAT WILL, RESULT FROM
24 FUTURE GROWTH PROJECTED IN THE GENERAL PLAN WILL BE SERVED BY THE WATER
25 SUPPLIES IDENTIFIED IN SUBDIVISION (a) OF THIS PARAGRAPH OR A PLAN TO OBTAIN
26 ADDITIONAL NECESSARY WATER SUPPLIES.

27 E. The general plan shall include for cities of fifty thousand
28 persons or more and may include for cities of less than fifty thousand
29 persons the following elements or any part or phase of the following
30 elements:

31 1. A conservation element for the conservation, development and
32 utilization of natural resources, including forests, soils, rivers and other
33 waters, harbors, fisheries, wildlife, minerals and other natural resources.

34 The conservation element may also cover:

35 (a) The reclamation of land.

36 (b) Flood control.

37 (c) Prevention and control of the pollution of streams and other
38 waters.

39 (d) Regulation of the use of land in stream channels and other areas
40 required for the accomplishment of the conservation plan.

41 (e) Prevention, control and correction of the erosion of soils,
42 beaches and shores.

43 (f) Protection of watersheds.

1 2. A recreation element showing a comprehensive system of areas and
2 public sites for recreation, including the following and, if practicable,
3 their locations and proposed development:

- 4 (a) Natural reservations.
5 (b) Parks.
6 (c) Parkways and scenic drives.
7 (d) Beaches.
8 (e) Playgrounds and playfields.
9 (f) Open space.
10 (g) Bicycle routes.
11 (h) Other recreation areas.

12 3. The circulation element provided for in subsection C, paragraph 2
13 OF THIS SECTION shall also include for cities of fifty thousand persons or
14 more and may include for cities of less than fifty thousand persons
15 recommendations concerning parking facilities, building setback requirements
16 and the delineations of such systems on the land, a system of street naming
17 and house and building numbering and other matters as may be related to the
18 improvement of circulation of traffic. The circulation element may also
19 include:

20 (a) A transportation element showing a comprehensive transportation
21 system, including locations of rights-of-way, terminals, viaducts and grade
22 separations. This element of the plan may also include port, harbor,
23 aviation and related facilities.

24 (b) A transit element showing a proposed system of rail or transit
25 lines or other mode of transportation as may be appropriate.

26 4. A public services and facilities element showing general plans for
27 police, fire, emergency services, sewage, refuse disposal, drainage, local
28 utilities, rights-of-way, easements and facilities for them.

29 5. A public buildings element showing locations of civic and
30 community centers, public schools, libraries, police and fire stations, and
31 other public buildings.

32 6. A housing element consisting of standards and programs for the
33 elimination of substandard dwelling conditions, for the improvement of
34 housing quality, variety and affordability and for provision of adequate
35 sites for housing. This element shall contain an identification and analysis
36 of existing and forecasted housing needs. This element shall be designed to
37 make equal provision for the housing needs of all segments of the community
38 regardless of race, color, creed or economic level.

39 7. A conservation, rehabilitation and redevelopment element
40 consisting of plans and programs for:

- 41 (a) The elimination of slums and blighted areas.
42 (b) Community redevelopment, including housing sites, business and
43 industrial sites and public building sites.
44 (c) Neighborhood preservation and revitalization.
45 (d) Other purposes authorized by law.

1 to THE PLANNING COMMISSION, IF ANY, AND the governing body and submit a copy
2 for review and further comment to:

3 1. The planning agency of the county in which the municipality is
4 located.

5 2. Each county or municipality that is contiguous to the corporate
6 limits of the municipality or its area of extraterritorial jurisdiction.

7 3. The regional planning agency within which the municipality is
8 located.

9 4. The department of commerce or any other state agency that is
10 subsequently designated as the general planning agency for this state.

11 5. THE DEPARTMENT OF WATER RESOURCES FOR REVIEW AND COMMENT ON THE
12 WATER RESOURCES ELEMENT, IF A WATER RESOURCES ELEMENT IS REQUIRED.

13 ~~5.~~ 6. If the general plan or a portion, element or amendment of the
14 general plan is applicable to territory in the vicinity of a military airport
15 as defined in section 28-8461, the military airport.

16 ~~6.~~ 7. Any person or entity that requests in writing to receive a
17 review copy of the proposal.

18 D. If the municipality has a planning commission, AFTER CONSIDERING
19 ANY RECOMMENDATIONS FROM THE REVIEW REQUIRED UNDER SUBSECTION C OF THIS
20 SECTION the planning commission shall hold at least one public hearing before
21 approving a general plan or any amendment to such plan. When the general
22 plan or any major amendment is being adopted, planning commissions in
23 municipalities having populations over twenty-five thousand persons shall
24 hold two or more public hearings at different locations within the
25 municipality to promote citizen participation. Notice of the time and place
26 of a hearing and availability of studies and summaries related to the hearing
27 shall be given at least fifteen and not more than thirty calendar days before
28 the hearing by:

29 1. Publication at least once in a newspaper of general circulation
30 published or circulated in the municipality, or if there is none, the notice
31 shall be posted in at least ten public places in the municipality.

32 2. Such other manner in addition to publication as the municipality
33 may deem necessary or desirable.

34 E. Action by the planning commission on the general plan or any
35 amendment to the plan shall be transmitted to the governing body of the
36 municipality.

37 F. Before adopting the general plan, or any amendment to it, the
38 governing body shall hold at least one public hearing. Notice of the time
39 and place of the hearing shall be given in the time and manner provided for
40 the giving of notice of the hearing by the planning commission as specified
41 in subsection D of this section.

42 G. The adoption or readoption of the general plan or any amendment to
43 such plan shall be by resolution of the governing body of the municipality,
44 after notice as provided for in subsection D of this section. The adoption
45 or readoption of or a major amendment to the general plan shall be approved

1 by affirmative vote of at least two-thirds of the members of the governing
2 body of the municipality. All major amendments to the general plan proposed
3 for adoption by the governing body of a municipality shall be presented at
4 a single public hearing during the calendar year the proposal is made. The
5 general plan, or any amendment to the plan, shall be endorsed in the manner
6 provided by the governing body to show that it has been adopted by the
7 governing body. IF THE MOTION TO ADOPT OR READOPT A GENERAL PLAN OR AN
8 AMENDMENT TO THE GENERAL PLAN FAILS TO PASS, THE GOVERNING BODY MAY
9 RECONSIDER THE MOTION IN ANY MANNER ALLOWED BY THE GOVERNING BODY'S RULES OF
10 PROCEDURE, BUT ANY SUBSEQUENT MOTION FOR THE ADOPTION OR READOPTION OF THE
11 GENERAL PLAN OR A MAJOR AMENDMENT TO THE GENERAL PLAN MUST BE APPROVED BY AN
12 AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE MEMBERS OF THE GOVERNING BODY.
13 For purposes of this subsection, "major amendment" means a substantial
14 alteration of the municipality's land use mixture or balance as established
15 in the municipality's existing general plan land use element. The
16 municipality's general plan shall define the criteria to determine if a
17 proposed amendment to the general plan effects a substantial alteration of
18 the municipality's land use mixture or balance as established in the
19 municipality's existing general plan land use element.

20 H. If the municipality does not have a planning commission, the only
21 procedural steps required for the adoption of the general plan, or any
22 amendment to such plan, shall be those provided in this article for action
23 by the governing body.

24 I. A copy of the adopted general plan of a municipality shall be sent
25 to the planning agency of the county within which the municipality is
26 located, and such plan or any portion of the plan may be adopted as a part
27 of the county general plan.

28 J. A general plan, with any amendments, is effective for up to ten
29 years from the date the plan was initially adopted and ratified pursuant to
30 subsection L of this section, or until the plan is readopted pursuant to this
31 subsection and ratified pursuant to subsection L of this section or a new
32 plan is adopted pursuant to this subsection and ratified pursuant to
33 subsection L of this section, and becomes effective. On or before the tenth
34 anniversary of the plan's most recent adoption, the governing body of the
35 municipality shall either readopt the existing plan for an additional term
36 of up to ten years or shall adopt a new general plan as provided by this
37 article.

38 K. Except for general plans that are required to be submitted to the
39 voters for ratification pursuant to subsection L of this section, the
40 adoption or readoption of a general plan, and any amendment to a general
41 plan, shall not be enacted as an emergency measure and is subject to
42 referendum as provided by article IV, part 1, section 1, subsection (8),
43 Constitution of Arizona, and title 19, chapter 1, article 4.

1 L. The governing body of a city or town having a population of more
2 than two thousand five hundred persons but less than ten thousand persons and
3 whose population growth rate exceeded an average of two per cent per year for
4 the ten year period before the most recent United States decennial census,
5 and any city or town having a population of ten thousand or more persons,
6 shall submit each new general plan adopted pursuant to subsection J of this
7 section to the voters for ratification at ~~an election held~~ THE NEXT REGULARLY
8 SCHEDULED MUNICIPAL ELECTION OR AT A SPECIAL ELECTION SCHEDULED AT LEAST ONE
9 HUNDRED TWENTY DAYS AFTER THE GOVERNING BODY ADOPTED THE PLAN pursuant to
10 section 16-204. The governing body shall include a general description of
11 the plan and its elements in the municipal election pamphlet and shall
12 provide public copies of the plan in at least two locations that are easily
13 accessible to the public and may include posting on ~~a site on a worldwide~~
14 ~~public network of interconnected computers~~ THE MUNICIPALITY'S OFFICIAL
15 INTERNET WEB SITE. If a majority of the qualified electors voting on the
16 proposition approves the new plan, it shall become effective as provided by
17 law. If a majority of the qualified electors voting on the proposition fails
18 to approve the new plan, the current plan remains in effect until a new plan
19 is approved by the voters pursuant to this subsection. The governing body
20 may SHALL EITHER resubmit the proposed new plan, or revise the new plan as
21 provided by this section, for subsequent submission to the voters AT THE NEXT
22 REGULARLY SCHEDULED MUNICIPAL ELECTION OR AT A SPECIAL ELECTION SCHEDULED AT
23 LEAST ONE HUNDRED TWENTY DAYS AFTER THE GOVERNING BODY READOPTED THE NEW OR
24 REVISED NEW PLAN. ALL SUBSEQUENT ADOPTIONS AND SUBMISSIONS OF THE NEW PLAN
25 OR REVISED PLANS MUST COMPLY WITH THE PROCEDURES PRESCRIBED BY THIS SECTION
26 UNTIL THE PLAN IS RATIFIED.

27 M. In applying an open space element or a growth element of a general
28 plan a municipality shall not designate private land or state trust land as
29 open space, recreation, conservation or agriculture unless the municipality
30 receives the written consent of the landowner or provides an alternative,
31 economically viable designation in the general plan or zoning ordinance,
32 allowing at least one residential dwelling per acre. If the landowner is the
33 prevailing party in any action brought to enforce this subsection, a court
34 shall award fees and other expenses to the landowner.

35 Sec. 3. Section 9-462.03, Arizona Revised Statutes, is amended to
36 read:

37 9-462.03. Amendment procedure

38 A. The ~~legislative~~ GOVERNING body of the municipality shall adopt by
39 ordinance, ~~for each rezoning application that requires a public hearing, a~~
40 ~~citizen review process that includes components that identify the procedure~~
41 ~~through which~~ APPLIES TO ALL REZONING AND SPECIFIC PLAN APPLICATIONS THAT
42 REQUIRE A PUBLIC HEARING. THE CITIZEN REVIEW PROCESS SHALL INCLUDE AT LEAST
43 THE FOLLOWING REQUIREMENTS:

44 1. Adjacent landowners and other potentially affected citizens will
45 be notified of the application.

1 2. The municipality will inform adjacent landowners and other
2 potentially affected citizens of the substance of the proposed rezoning.

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

6 B. A zoning ordinance that changes any property from one zone to
7 another, that imposes any regulation not previously imposed or that removes
8 or modifies any such regulation previously imposed must be adopted following
9 the procedure prescribed in the citizen review process and in the manner set
10 forth in section 9-462.04.

11 Sec. 4. Section 11-806, Arizona Revised Statutes, is amended to read:

12 11-806. Powers and duties; comprehensive plan

13 A. The commission shall act in an advisory capacity to the board and
14 may from time to time, and shall, when requested by the board, make a report
15 or recommendation in connection with any matter relating to the development
16 of the county under the jurisdiction of the board. The commission shall make
17 such investigations, maps, reports and recommendations in connection
18 therewith as seem desirable within the limits of the funds available.

19 B. The commission shall prepare and recommend to the board a
20 comprehensive plan of the area of jurisdiction of the county in the manner
21 prescribed by article 2 of this chapter. The purpose of the plan is to bring
22 about coordinated physical development in accordance with the present and
23 future needs of the county. The comprehensive plan shall be developed so as
24 to conserve the natural resources of the county, to insure efficient
25 expenditure of public funds, and to promote the health, safety, convenience,
26 and general welfare of the public. Such comprehensive plan may include but
27 not be limited to, among other things, studies and recommendations relative
28 to the location, character and extent of highways, railroads, bus and other
29 transportation routes, bicycle facilities, bridges, public buildings, public
30 services, schools, parks, open space, housing quality, variety and
31 affordability, parkways, hiking and riding trails, airports, forests,
32 wildlife areas, dams, projects affecting conservation of natural resources,
33 air quality, water quality and floodplain zoning. For counties with
34 territory in the vicinity of a military airport as defined in section
35 28-8461, the commission shall also consider military airport
36 operations. Such comprehensive plan shall be a public record, but its
37 purpose and effect shall be primarily as an aid to the county planning and
38 zoning commission in the performance of its duties.

39 C. AFTER CONSIDERING ANY RECOMMENDATIONS FROM THE REVIEW REQUIRED
40 UNDER SUBSECTION H OF THIS SECTION, THE PLANNING COMMISSION SHALL HOLD AT
41 LEAST ONE PUBLIC HEARING. NOTICE OF THE TIME AND PLACE OF A HEARING AND
42 AVAILABILITY OF STUDIES AND SUMMARIES RELATED TO THE HEARING SHALL BE GIVEN
43 AT LEAST FIFTEEN AND NOT MORE THAN THIRTY CALENDAR DAYS BEFORE THE HEARING
44 BY:

1 1. PUBLICATION AT LEAST ONCE IN A NEWSPAPER OF GENERAL CIRCULATION IN
2 THE COUNTY.

3 2. SUCH OTHER MANNER IN ADDITION TO PUBLICATION AS THE COUNTY MAY
4 DEEM NECESSARY OR DESIRABLE.

5 ~~C~~. D. The board shall adopt a comprehensive plan and subsequently
6 amend or extend the adopted plan as provided by article 2 of this
7 chapter. Before the adoption, amendment or extension of the plan, the board
8 shall hold at least one public hearing on the plan.

9 ~~D~~. E. The board of supervisors shall:

10 1. Adopt written procedures to provide effective, early and
11 continuous public participation in the development and major amendment of
12 comprehensive plans from all geographic, ethnic and economic areas of the
13 county. The procedures shall provide for:

14 (a) The broad dissemination of proposals and alternatives.

15 (b) The opportunity for written comments.

16 (c) Public hearings after effective notice.

17 (d) Open discussions, communications programs and information
18 services.

19 (e) Consideration of public comments.

20 2. Consult with, advise and provide an opportunity for official
21 comment by public officials and agencies, municipalities, school districts,
22 associations of governments, public land management agencies, the military
23 airport if the county has territory in the vicinity of a military airport as
24 defined in section 28-8461, other appropriate government jurisdictions,
25 public utility companies, civic, educational, professional and other
26 organizations, property owners and citizens generally to secure the maximum
27 coordination of plans and to indicate properly located sites for all public
28 purposes on the plan.

29 3. In counties having a population of less than four hundred thousand
30 persons, receive petitions to form a rural planning area that are signed by
31 persons who own real property in any specific portion of the county outside
32 the corporate boundaries of any cities and towns. The petitions must be
33 signed by owners of a majority of the acres of real property in the proposed
34 planning area. Participation in the rural planning area is voluntary, and
35 any person may withdraw real property owned by the person from the planning
36 area. The board of supervisors shall encourage voluntary participation in
37 the planning area and shall aid the planning areas in providing a sound
38 factual and policy basis for planning. The recommendations of rural planning
39 areas shall emphasize voluntary, nonregulatory incentives for compliance and
40 accommodation of continuing traditional rural and agricultural enterprises.
41 Rural planning areas shall transmit their recommendations to the board of
42 supervisors for its consideration for inclusion in the county comprehensive
43 plan.

44 ~~E~~. F. In any county having a population of less than four hundred
45 thousand persons, any cities and towns and the county sharing a

1 multijurisdictional area with a combined population of more than fifty
2 thousand but less than one hundred thousand persons, according to the most
3 recent department of economic security estimates, may voluntarily form rural
4 planning zones to develop coordinated and comprehensive regional plans.

5 ~~F.~~ G. The commission shall confer with the state land department and
6 the governing bodies and planning commissions of cities and towns in the
7 county for the purpose of guiding and accomplishing a coordinated, adjusted
8 and harmonious development of the county, of zoning districts, of urban
9 growth and of public improvements and utilities which do not begin and
10 terminate within the boundaries of any single city or town and which will,
11 in accordance with the present and future needs of the county, best promote
12 with efficiency and economy the health, safety, morals, order, convenience
13 or general welfare of the public.

14 ~~G.~~ H. At least sixty days before the comprehensive plan or ~~a~~
15 ~~portion~~, AN element or major amendment of a comprehensive plan is adopted
16 NOTICED PURSUANT TO SUBSECTION C OF THIS SECTION, the commission shall
17 transmit the proposal to the board of supervisors and submit a copy for
18 review and further comment to:

19 1. Each municipality in the county.

20 2. Each other county that is contiguous to the county.

21 3. The regional planning agency in the county.

22 4. The department of commerce or any other state agency that is
23 subsequently designated as the general planning agency for this state.

24 5. THE DEPARTMENT OF WATER RESOURCES FOR REVIEW AND COMMENT ON THE
25 WATER RESOURCES ELEMENT, IF A WATER RESOURCES ELEMENT IS REQUIRED.

26 ~~5.~~ 6. If the comprehensive plan or a portion, element or amendment
27 of the comprehensive plan is applicable to territory in the vicinity of a
28 military airport as defined in section 28-8461, the military airport.

29 ~~6.~~ 7. Any person or entity that requests in writing to receive a
30 review copy of the proposal.

31 Sec. 5. Section 11-821, Arizona Revised Statutes, is amended to read:

32 11-821. County plan; definitions

33 A. The commission shall formulate and the board of supervisors shall
34 adopt or readopt a comprehensive long-term county plan for the development
35 of the area of jurisdiction in the manner prescribed by this article. The
36 planning commission shall coordinate the production of the county plan with
37 the creation of the conceptual state land use plans under title 37, chapter
38 2, article 5.1. The county plan, with the accompanying maps, plats, charts
39 and descriptive matter, shall show the commission's recommendations for the
40 development of the area of jurisdiction together with the general zoning
41 regulations. The county plan shall be made with the general purpose of
42 guiding and accomplishing a coordinated, adjusted and harmonious development
43 of the area of jurisdiction. In the preparation of the county plan the
44 commission shall make surveys and studies of the present conditions and
45 prospective future growth of the area of the jurisdiction. The planning

1 commission shall cooperate with the state land department regarding
2 integrating the conceptual state land use plans into the county plan. The
3 county plan shall include provisions that identify changes or modifications
4 that constitute amendments and major amendments to the plan.

5 B. In addition to the other matters that are required or authorized
6 under this section and article 1 of this chapter, the county plan:

7 1. Shall provide for zoning, shall show the zoning districts
8 designated as appropriate for various classes of residential, business and
9 industrial uses and shall provide for the establishment of setback lines and
10 other plans providing for adequate light, air and parking facilities and for
11 expediting traffic within the districts.

12 2. May establish the percentage of a lot or parcel which may be
13 covered by buildings, and the size of yards, courts and other open spaces.

14 3. Shall consider access to incident solar energy.

15 4. May provide for retirement community zoning districts.

16 5. May provide for the regulation and use of business licenses, adult
17 oriented business manager permits and adult service provider permits in
18 conjunction with the establishment or operation of adult oriented businesses
19 and facilities, including adult arcades, adult bookstores or video stores,
20 cabarets, adult live entertainment establishments, adult motion picture
21 theaters, adult theaters, massage establishments and nude model
22 studios. With respect to cabarets, the plan shall not conflict with specific
23 statutory or valid regulatory requirements applicable to persons licensed to
24 dispense alcoholic beverages, but the plan may include regulation of the age
25 and conduct of erotic entertainers in a manner at least as restrictive as
26 rules adopted under title 4.

27 C. In addition to the other matters that are required or authorized
28 under this section and article 1 of this chapter, for counties having a
29 population of more than one hundred twenty-five thousand persons according
30 to the most recent United States decennial census, the county plan shall
31 include, and for other counties the county plan may include:

32 1. Planning for land use that designates the proposed general
33 distribution and location and extent of uses of the land for housing,
34 business, industry, agriculture, recreation, education, public buildings and
35 grounds, open space and other categories of public and private uses of land
36 appropriate to the county. The land use plan shall include:

37 (a) A statement of the standards of population density and building
38 intensity recommended for the various land use categories covered by the
39 plan.

40 (b) Specific programs and policies that the county may use to promote
41 compact form development activity and locations where those development
42 patterns should be encouraged.

43 (c) Consideration of air quality and access to incident solar energy
44 for all general categories of land use.

1 (d) Policies that address maintaining a broad variety of land uses
2 including the range of uses existing in the county at the time the plan is
3 adopted, readopted or amended.

4 2. Planning for circulation consisting of the general location and
5 extent of existing and proposed freeways, arterial and collector streets,
6 bicycle routes and any other modes of transportation as may be appropriate,
7 all correlated with the land use plan under paragraph 1 of this subsection.

8 3. Planning for water resources that addresses:

9 (a) The ~~currently~~ KNOWN LEGALLY AND PHYSICALLY available surface
10 water, groundwater and effluent supplies.

11 (b) ~~An analysis of how~~ The DEMAND FOR WATER THAT WILL RESULT FROM
12 future growth projected in the county plan, ADDED TO EXISTING USES. ~~will be~~
13 ~~adequately served by the legally and physically available water supply or a~~
14 ~~plan to obtain additional necessary water supplies.~~

15 (c) AN ANALYSIS OF HOW THE DEMAND FOR WATER THAT WILL RESULT FROM
16 FUTURE GROWTH PROJECTED IN THE COMPREHENSIVE PLAN WILL BE SERVED BY THE WATER
17 SUPPLIES IDENTIFIED IN SUBDIVISION (a) OF THIS PARAGRAPH OR A PLAN TO OBTAIN
18 ADDITIONAL NECESSARY WATER SUPPLIES.

19 D. In addition to the other matters that are required or authorized
20 under this section and article 1 of this chapter, for counties having a
21 population of more than two hundred thousand persons according to the most
22 recent United States decennial census, the county plan shall include, and for
23 other counties the county plan may include:

24 1. Planning for open space acquisition and preservation. The open
25 space plan shall include:

26 (a) A comprehensive inventory of open space areas, recreational
27 resources and designations of access points to open space areas and
28 resources.

29 (b) An analysis of forecasted needs, policies for managing and
30 protecting open space areas and resources and implementation strategies to
31 acquire additional open space areas and further establish recreational
32 resources.

33 (c) Policies and implementation strategies designed to promote a
34 regional system of integrated open space and recreational resources and a
35 consideration of any existing regional open space plan.

36 2. Planning for growth areas, specifically identifying those areas,
37 if any, that are particularly suitable for planned multimodal transportation
38 and infrastructure expansion and improvements designed to support a planned
39 concentration of a variety of uses, such as residential, office, commercial,
40 tourism and industrial uses. The mixed use planning shall include policies
41 and implementation strategies that are designed to:

42 (a) Make automobile, transit and other multimodal circulation more
43 efficient, make infrastructure expansion more economical and provide for a
44 rational pattern of land development.

1 (b) Conserve significant natural resources and open areas in the
2 growth area and coordinate their location to similar areas outside the growth
3 area's boundaries.

4 (c) Promote the public and private construction of timely and
5 financially sound infrastructure expansion through the use of infrastructure
6 funding and financing planning that is coordinated with development activity.

7 3. An environmental planning element that contains analysis, policies
8 and strategies to address anticipated effects, if any, of plan elements on
9 air quality, water quality and natural resources associated with proposed
10 development under the comprehensive plan. The policies and strategies to be
11 developed under this element shall be designed to have countywide
12 applicability and shall not require the production of an additional
13 environmental impact statement or similar analysis beyond the requirements
14 of state and federal law.

15 4. A cost of development element that identifies policies and
16 strategies that the county will use to require development to pay its fair
17 share toward the cost of additional public facility needs generated by new
18 development, with appropriate exceptions when in the public interest. This
19 element shall include:

20 (a) A component that identifies various mechanisms that are allowed
21 by law and that can be used to fund and finance additional public services
22 necessary to serve the development, including bonding, special taxing
23 districts, development fees, in lieu fees and facility construction,
24 dedications and privatization.

25 (b) A component that identifies policies to ensure that any mechanisms
26 that are adopted by the county under this element result in a beneficial use
27 to the development, bear a reasonable relationship to the burden imposed on
28 the county to provide additional necessary public facilities to the
29 development and otherwise are imposed according to law.

30 E. THE WATER RESOURCES ELEMENT OF THE COMPREHENSIVE PLAN DOES NOT
31 REQUIRE:

32 1. NEW INDEPENDENT HYDROGEOLOGIC STUDIES.

33 2. THE COUNTY TO BE A WATER SERVICE PROVIDER.

34 ~~E.~~ F. To carry out the purposes of this article, the board may adopt
35 overlay zoning districts and regulations applicable to particular buildings,
36 structures and land within individual zones. For the purposes of this
37 subsection, "overlay zoning district" means a special zoning district that
38 includes regulations which modify regulations in another zoning district with
39 which the overlay zoning district is combined. Overlay zoning districts and
40 regulations shall be adopted pursuant to section 11-829. The provisions of
41 overlay zoning shall apply retroactively to authorize overlay zoning
42 districts and regulations adopted before April 20, 1993.

43 ~~F.~~ G. The policies and strategies to be developed under these
44 elements shall be designed to have regional applicability, and this section

1 does not authorize the imposition of dedications, exactions, fees or other
2 requirements that are not otherwise authorized by law.

3 ~~G.~~ H. For the purposes of this section:

4 1. "Adult arcade" means any place to which the public is permitted or
5 invited and in which coin-operated or slug-operated or electronically,
6 electrically or mechanically controlled still or motion picture machines,
7 projectors or other image producing devices are maintained to show images
8 involving specific sexual activities or specific anatomical areas to persons
9 in booths or viewing rooms.

10 2. "Adult bookstore or video store" means a commercial establishment
11 that offers for sale or rent any of the following as one of its principal
12 business purposes:

13 (a) Books, magazines, periodicals or other printed matter,
14 photographs, films, motion pictures, videocassettes or reproductions or
15 slides or other visual representations that depict or describe specific
16 sexual activities or specific anatomical areas.

17 (b) Instruments, devices or paraphernalia that are designed for use
18 in connection with specific sexual activities.

19 3. "Adult live entertainment establishment" means an establishment
20 that features either:

21 (a) Persons who appear in a state of nudity.

22 (b) Live performances that are characterized by the exposure of
23 specific anatomical areas or specific sexual activities.

24 4. "Adult motion picture theater" means a commercial establishment in
25 which for any form of consideration films, motion pictures, videocassettes,
26 slides or other similar photographic reproductions that are characterized by
27 the depiction or description of specific sexual activities or specific
28 anatomical areas are predominantly shown.

29 5. "Adult oriented business" means adult arcades, adult bookstores or
30 video stores, cabarets, adult live entertainment establishments, adult motion
31 picture theaters, adult theaters, massage establishments that offer adult
32 service or nude model studios.

33 6. "Adult oriented business manager" means a person on the premises
34 of an adult oriented business who is authorized to exercise overall
35 operational control of the business.

36 7. "Adult service" means dancing, serving food or beverages, modeling,
37 posing, wrestling, singing, reading, talking, listening or other performances
38 or activities conducted for any consideration in an adult oriented business
39 by a person who is nude or seminude during all or part of the time that the
40 person is providing the service.

41 8. "Adult service provider" or "erotic entertainer" means any natural
42 person who provides an adult service.

43 9. "Adult theater" means a theater, concert hall, auditorium or
44 similar commercial establishment that predominantly features persons who
45 appear in a state of nudity or who engage in live performances that are

1 characterized by the exposure of specific anatomical areas or specific sexual
2 activities.

3 10. "Cabaret" means an adult oriented business licensed to provide
4 alcoholic beverages pursuant to title 4, chapter 2, article 1.

5 11. "Discernibly turgid state" means the state of being visibly
6 swollen, bloated, inflated or distended.

7 12. "Massage establishment" means an establishment in which a person,
8 firm, association or corporation engages in or permits massage activities,
9 including any method of pressure on, friction against, stroking, kneading,
10 rubbing, tapping, pounding, vibrating or stimulating of external soft parts
11 of the body with the hands or with the aid of any mechanical apparatus or
12 electrical apparatus or appliance. This paragraph does not apply to:

13 (a) Physicians licensed pursuant to title 32, chapter 7, 8, 13, 14
14 or 17.

15 (b) Registered nurses, licensed practical nurses or technicians who
16 are acting under the supervision of a physician licensed pursuant to title
17 32, chapter 13 or 17.

18 (c) Persons who are employed or acting as trainers for a bona fide
19 amateur, semiprofessional or professional athlete or athletic team.

20 (d) Persons who are licensed pursuant to title 32, chapter 3 or 5 if
21 the activity is limited to the head, face or neck.

22 13. "Nude model studio" means a place in which a person who appears in
23 a state of nudity or who displays specific anatomical areas is observed,
24 sketched, drawn, painted, sculptured, photographed or otherwise depicted by
25 other persons who pay money or other consideration. Nude model studio does
26 not include a proprietary school that is licensed by this state, a college,
27 community college or university that is supported entirely or in part by
28 taxation, a private college or university that maintains and operates
29 educational programs in which credits are transferable to a college,
30 community college or university that is supported entirely or in part by
31 taxation or a structure to which the following apply:

32 (a) A sign is not visible from the exterior of the structure and no
33 other advertising appears indicating that a nude person is available for
34 viewing.

35 (b) A student must enroll at least three days in advance of a class
36 in order to participate.

37 (c) No more than one nude or seminude model is on the premises at any
38 time.

39 14. "Nude", "nudity" or "state of nudity" means any of the following:

40 (a) The appearance of a human anus, genitals or female breast below
41 a point immediately above the top of the areola.

42 (b) A state of dress that fails to opaquely cover a human anus,
43 genitals or female breast below a point immediately above the top of the
44 areola.

1 MOTION IN ANY MANNER ALLOWED BY THE BOARD'S RULES OF PROCEDURE, BUT ANY
2 SUBSEQUENT MOTION FOR THE ADOPTION OR READOPTION OF THE PLAN OR A MAJOR
3 AMENDMENT TO THE PLAN MUST BE APPROVED BY AN AFFIRMATIVE VOTE OF AT LEAST
4 TWO-THIRDS OF THE MEMBERS OF THE BOARD.

5 B. A county comprehensive plan, with any amendments, is effective for
6 up to ten years from the date the plan was initially adopted or until the
7 plan is readopted or a new plan is adopted pursuant to this subsection and
8 becomes effective. On or before the tenth anniversary of the plan's most
9 recent adoption, the board shall either readopt the existing plan for an
10 additional term of up to ten years or shall adopt a new county plan as
11 provided by this article.

12 C. The adoption or re adoption of, or a major amendment to, the county
13 comprehensive plan shall be approved by the affirmative vote of at least
14 two-thirds of the members of the board. All major amendments proposed for
15 adoption to the comprehensive plan by the board shall be presented at a
16 single public hearing during the calendar year the proposal is made. The
17 adoption or re adoption of a county plan, and any major amendment to a county
18 plan, shall not be enacted as an emergency measure and is subject to
19 referendum as provided by article IV, part 1, section 1, subsection (8),
20 Constitution of Arizona, and title 19, chapter 1, article 4. IF THE BOARD
21 FAILS TO ADOPT OR READOPT THE PLAN, THE CURRENT PLAN REMAINS IN EFFECT UNTIL
22 A NEW PLAN IS ADOPTED. THE BOARD SHALL EITHER RECONSIDER THE PROPOSED PLAN
23 OR CONSIDER A REVISED PLAN WITHIN ONE YEAR AND SHALL CONTINUE TO DO SO UNTIL
24 ONE IS ADOPTED. ALL SUBSEQUENT CONSIDERATIONS OF A NEW OR REVISED PLAN MUST
25 COMPLY WITH THE PROCEDURES PRESCRIBED BY THIS ARTICLE. For purposes of this
26 subsection, "major amendment" means a substantial alteration of the county's
27 land use mixture or balance as established in the county's existing
28 comprehensive plan land use element for that area of the county. The
29 county's comprehensive plan shall define the criteria to determine if a
30 proposed amendment to the comprehensive plan effects a substantial alteration
31 of the county's land use mixture or balance as established in the county's
32 existing comprehensive plan land use element for that area of the county.

33 D. Upon adoption or re adoption, the plan, or any part of the plan,
34 shall be the official guide for the development of the area of jurisdiction.

35 E. Any change, amendment, extension or addition of the county plan may
36 be made only in accordance with the provisions of this chapter.

37 F. In applying an open space element or a growth element of a
38 comprehensive plan a county shall not designate private or state land as open
39 space, recreation, conservation or agriculture unless the county receives the
40 written consent of the landowner or provides an alternative, economically
41 viable designation in the general COMPREHENSIVE plan or zoning ordinance,
42 allowing at least one residential dwelling per acre. If the landowner is the
43 prevailing party in any action brought to enforce this subsection, a court
44 shall award fees and other expenses to the landowner.

1 Sec. 8. Section 11-829, Arizona Revised Statutes, is amended to read:
2 11-829. Amendment of ordinance or change of zoning district
3 boundaries; definition

4 A. A property owner or authorized agent of a property owner desiring
5 an amendment or change in the zoning ordinance changing the zoning district
6 boundaries within an area previously zoned shall file an application for the
7 amendment or change. All zoning and rezoning ordinances, regulations or
8 specific plans adopted under this article shall be consistent with and
9 conform to the adopted county plan. In the case of uncertainty in
10 constructing or applying the conformity of any part of a proposed rezoning
11 ordinance to the adopted county plan, the ordinance shall be construed in a
12 manner that will further the implementation of, and not be contrary to, the
13 goals, policies and applicable elements of the county plan. A rezoning
14 ordinance conforms with the county plan if it proposes land uses, densities
15 or intensities within the range of identified uses, densities and intensities
16 of the county plan.

17 B. ~~The board of supervisors shall adopt by ordinance, for each~~
18 ~~rezoning application that requires a public hearing, a citizen review process~~
19 ~~that includes components that identify the procedure through which APPLIES~~
20 ~~TO ALL REZONING AND SPECIFIC PLAN APPLICATIONS THAT REQUIRE A PUBLIC HEARING.~~
21 ~~THE CITIZEN REVIEW PROCESS SHALL INCLUDE AT LEAST THE FOLLOWING REQUIREMENTS:~~

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

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

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

29 C. Upon receipt of the application the board shall submit it to the
30 commission for a report. Prior to reporting to the board, the commission
31 shall hold at least one public hearing thereon after giving at least fifteen
32 days' notice thereof by one publication in a newspaper of general circulation
33 in the county seat and by posting of the area included in the proposed
34 change. If the matter to be considered applies to territory in a high noise
35 or accident potential zone as defined in section 28-8461, the notice shall
36 include a general statement that the matter applies to property located in
37 the high noise or accident potential zone. In case of a rezoning, the
38 posting shall be in no less than two places with at least one notice for each
39 quarter mile of frontage along perimeter public rights-of-way so that the
40 notices are visible from the nearest public right-of-way. The commission
41 shall also send notice by first class mail to each real property owner as
42 shown on the last assessment of the property within three hundred feet of the
43 proposed amendment or change and each county and municipality which is
44 contiguous to the area of the amendment or change. In proceedings involving
45 rezoning of land that is located within territory in the vicinity of a

1 military airport as defined in section 28-8461, the commission shall send
2 copies of the notice of public hearing by first class mail to the military
3 airport. The notice sent by mail shall include, at a minimum, the date, time
4 and place of the hearing on the proposed amendment or change including a
5 general explanation of the matter to be considered, a general description of
6 the area of the proposed amendment or change, how the real property owners
7 within the zoning area may file approvals or protests of the proposed
8 rezoning, and notification that if twenty per cent of the property owners by
9 area and number within the zoning area file protests, an affirmative vote of
10 three-fourths of all members of the board will be required to approve the
11 rezoning. The following specific notice provisions also apply:

12 1. In proceedings that are initiated by the commission involving
13 rezoning, notice by first class mail shall be sent to each real property
14 owner, as shown on the last assessment of the property, of the area to be
15 rezoned and all property owners, as shown on the last assessment of the
16 property, within three hundred feet of the property to be rezoned.

17 2. In proceedings involving one or more of the following proposed
18 changes or related series of changes in the standards governing land uses,
19 notice shall be provided in the manner prescribed by paragraph 3 of this
20 subsection:

21 (a) A ten per cent or more increase or decrease in the number of
22 square feet or units that may be developed.

23 (b) A ten per cent or more increase or reduction in the allowable
24 height of buildings.

25 (c) An increase or reduction in the allowable number of stories of
26 buildings.

27 (d) A ten per cent or more increase or decrease in setback or open
28 space requirements.

29 (e) An increase or reduction in permitted uses.

30 3. In proceedings governed by paragraph 2 of this subsection, the
31 county shall provide notice to real property owners pursuant to at least one
32 of the following notification procedures:

33 (a) Notice shall be sent by first class mail to each real property
34 owner, as shown on the last assessment, whose real property is directly
35 affected by the changes.

36 (b) If the county issues utility bills or other mass mailings that
37 periodically include notices or other informational or advertising materials,
38 the county shall include notice of such changes with such utility bills or
39 other mailings.

40 (c) The county shall publish such changes prior to the first hearing
41 on such changes in a newspaper of general circulation in the county. The
42 changes shall be published in a display advertisement covering not less than
43 one-eighth of a full page.

44 4. If notice is provided pursuant to paragraph 3, subdivision (b) or
45 (c) of this subsection, the county shall also send notice by first class mail

1 to persons who register their names and addresses with the county as being
2 interested in receiving such notice. The county may charge a fee not to
3 exceed five dollars per year for providing this service and may adopt
4 procedures to implement this paragraph.

5 5. Notwithstanding the notice requirements set forth in paragraph 2
6 of this subsection, the failure of any person or entity to receive notice
7 shall not constitute grounds for any court to invalidate the actions of a
8 county for which the notice was given.

9 D. If the planning commission or hearing officer has held a public
10 hearing, the board may adopt the recommendations of the planning commission
11 or hearing officer through use of a consent calendar without holding a second
12 public hearing if there is no objection, request for public hearing or other
13 protest. If there is an objection, a request for public hearing or a
14 protest, the board shall hold a public hearing thereon at least fifteen days'
15 notice of which shall be given by one publication in a newspaper of general
16 circulation in the county seat and by posting the area included in the
17 proposed change. In counties with territory in the vicinity of a military
18 airport as defined in section 28-8461, the board shall hold a public hearing
19 if, after notice is mailed to the military airport pursuant to subsection C
20 of this section and before the public hearing, the military airport provides
21 comments or analysis concerning the compatibility of the proposed rezoning
22 with the high noise or accident potential generated by military airport
23 operations that may have an adverse impact on public health and safety, and
24 the board shall consider and analyze the comments or analysis before making
25 a final determination. After holding the hearing the board may adopt the
26 amendment, but if twenty per cent of the owners of property by area and
27 number within the zoning area file a protest to the proposed change, the
28 change shall not be made except by a three-fourths vote of all members of the
29 board. If any members of the board are unable to vote on the question
30 because of a conflict of interest, the required number of votes for the
31 passage of the question is three-fourths of the remaining membership of the
32 board, except that the required number of votes in no event shall be less
33 than a majority of the full membership of the board. In calculating the
34 owners by area, only that portion of a lot or parcel of record situated
35 within three hundred feet of the property to be rezoned shall be included.
36 In calculating the owners by number or area, county property and public
37 rights-of-way shall not be included.

38 E. The planning commission may on its own motion propose an amendment
39 to the zoning ordinance and may, after holding a public hearing as required
40 by this chapter, transmit the proposal to the board which shall thereupon
41 proceed as set forth in this chapter for any other amendment.

42 F. Notwithstanding the provisions of title 19, chapter 1, article 4,
43 a decision by the governing body involving rezoning of land which is not
44 owned by the county and which changes the zoning classification of such land
45 or which changes the zoning standards of such land as set forth in subsection

1 C, paragraph 2 OF THIS SECTION may not be enacted as an emergency measure and
2 such a change shall not be effective for at least thirty days after final
3 approval of the change in classification by the board. Unless a resident
4 files a written objection with the board of supervisors, the rezoning may be
5 enacted as an emergency measure that becomes effective immediately by a
6 four-fifths majority vote of the board for those counties with five or more
7 supervisors or a two-thirds majority vote of the board for those counties
8 with less than five supervisors.

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

24 H. For the purposes of this section, "zoning area" means the area
25 within three hundred feet of the proposed amendment or change.

26 Sec. 9. Laws 1998, chapter 204, section 21, as amended by Laws 1999,
27 chapter 222, section 2, is amended to read:

28 Sec. 21. Readoption and amendment of general and comprehensive
29 plans

30 A. THE GOVERNING BODY OF each city and town that is subject to the
31 provisions of title 9, chapter 4, article 6, Arizona Revised Statutes, and
32 THE BOARD OF SUPERVISORS OF each county that is subject to title 11, chapter
33 6, article 2, Arizona Revised Statutes, and whose general or comprehensive
34 plan or most recent readoption or rewrite or amendment to the general or
35 comprehensive plan was adopted:

36 1. Before January 1, 1989 shall adopt or readopt its general or
37 comprehensive plan in a manner consistent with this act on or before December
38 31, ~~2001~~ 2002.

39 2. On or after January 1, 1989 shall amend the plan to include all the
40 elements required by this act on or before December 31, ~~2001~~ 2002.

41 B. Notwithstanding subsection A of this section, THE GOVERNING BODY
42 OF each city and town with a population of more than two thousand five
43 hundred and less than seventy-five thousand persons, AND, THE BOARD OF
44 SUPERVISORS OF EACH COUNTY WITH A POPULATION OF LESS THAN ONE HUNDRED
45 TWENTY-FIVE THOUSAND PERSONS, according to the most recent United States

1 decennial census, whose general OR COMPREHENSIVE plan or most recent adoption
2 or rewrite or amendment to the general OR COMPREHENSIVE plan was adopted:

3 1. Before January 1, 1989 shall adopt or readopt its general plan in
4 a manner consistent with this act LAWS 1998, CHAPTER 204, LAWS 1999, CHAPTER
5 222 AND LAWS 2000, FOURTH SPECIAL SESSION, CHAPTER 1 on or before December
6 31, 2002 2003.

7 2. On or after January 1, 1989 shall amend the plan to include all the
8 elements required by this act LAWS 1998, CHAPTER 204, LAWS 1999, CHAPTER 222
9 AND LAWS 2000, FOURTH SPECIAL SESSION, CHAPTER 1 on or before December 31,
10 2002 2003.

11 C. General and comprehensive plans that are in effect on the effective
12 date of this act AUGUST 1, 2002 remain in effect, subject to any replacement,
13 amendment or readoption under subsection A or B of this section.

14 D. Notwithstanding section 9-461.06, subsection E-G and section
15 11-824, subsection C, Arizona Revised Statutes, as amended by this act, the
16 requirement for adopting major amendments to a municipal general plan or a
17 county comprehensive plan on the affirmative vote of at least two-thirds of
18 the members of the governing body is required only after plans are adopted,
19 readopted or amended to comply with this act as provided by subsection A or
20 B of this section.

21 Sec. 10. Retroactivity

22 Laws 1998, chapter 204, section 21, as amended by Laws 1999, chapter
23 222, section 2 and this act, applies retroactively to December 31, 2001.

APPROVED BY THE GOVERNOR MAY 6, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.



Passed the House April 8, 2002,

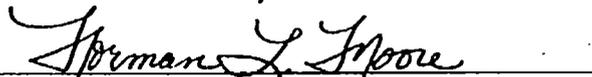
Passed the Senate April 30, 2002,

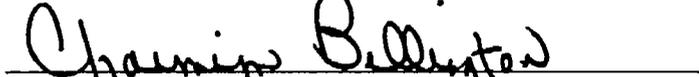
by the following vote: 50 Ayes,
0 Nays, 10 Not Voting

by the following vote: 27 Ayes,
0 Nays, 3 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
30 day of April, 2002

at 2:56 o'clock P. M.


Secretary to the Governor

Approved this 6th day of
May, 2002,

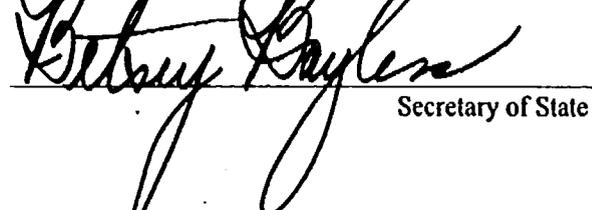
at 3:48 o'clock P. M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 7 day of May, 2002,

at 3:13 o'clock P. M.


Secretary of State

H.B. 2601