

Senate Engrossed

State of Arizona

Senate

Forty-seventh Legislature

First Regular Session

2005

CHAPTER 105

SENATE BILL 1287

AN ACT

AMENDING SECTIONS 9-500.05 AND 9-500.11, ARIZONA REVISED STATUTES; RELATING TO CITIES AND TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-500.05, Arizona Revised Statutes, is amended to
3 read:

4 9-500.05. Development agreements; public safety; definitions

5 A. A municipality, by resolution or ordinance, may enter into
6 development agreements relating to property in the municipality and to
7 property located outside the incorporated area of the municipality. If the
8 development agreement relates to property located outside the incorporated
9 area of the municipality, the development agreement does not become operative
10 unless annexation proceedings to annex the property to the municipality are
11 completed within the period of time specified by the development agreement or
12 any extension of such time.

13 B. A development agreement shall be consistent with the municipality's
14 general plan or specific plan, if any, as defined in section 9-461,
15 applicable to the property on the date the development agreement is executed.

16 C. A development agreement may be amended, or cancelled in whole or in
17 part, by mutual consent of the parties to the development agreement or by
18 their successors in interest or assigns.

19 D. No later than ten days after a municipality enters into a
20 development agreement, the municipality shall record a copy of the agreement
21 with the county recorder of the county in which the property subject to the
22 development agreement is located, and the recordation constitutes notice of
23 the development agreement to all persons. The burdens of the development
24 agreement are binding on, and the benefits of the development agreement inure
25 to, the parties to the agreement and to all their successors in interest and
26 assigns.

27 E. Section 32-2181 does not apply to development agreements under this
28 section.

29 F. Notwithstanding any other law, a municipality may provide by
30 resolution or ordinance for public safety purposes, and with the written
31 consent of an owner of property that has been granted a development agreement
32 pursuant to this section, an owner of a protected development right pursuant
33 to chapter 11 of this title or the owner of any other residential or
34 commercial development subject to the supervision of a municipality pursuant
35 to this title, for the application and enforcement of speed limits, vehicle
36 weight restrictions or other safety measures on a private road that is
37 located in any development in the municipality and that is open to and used
38 by the public. A municipality may require payment from the property owner of
39 the actual cost of signs for speed limits or other restrictions applicable on
40 the private road, before their installation.

41 G. NOTWITHSTANDING SECTION 19-142, SUBSECTION B, A DECISION BY THE
42 GOVERNING BODY INVOLVING A DEVELOPMENT AGREEMENT MAY NOT BE ENACTED AS AN
43 EMERGENCY MEASURE AND THAT DECISION IS NOT EFFECTIVE FOR AT LEAST THIRTY DAYS
44 AFTER FINAL APPROVAL OF THE DEVELOPMENT AGREEMENT.

1 ~~G.~~ H. In this section, unless the context otherwise requires:

2 1. "Development agreement" means an agreement between a municipality
3 and a community facilities district pursuant to section 48-709, ~~subsection C,~~
4 a landowner or any other person having an interest in real property that may
5 specify or otherwise relate to any of the following:

6 (a) The duration of the development agreement.

7 (b) The permitted uses of property subject to the development
8 agreement.

9 (c) The density and intensity of uses and the maximum height and size
10 of proposed buildings within such property.

11 (d) Provisions for reservation or dedication of land for public
12 purposes and provisions to protect environmentally sensitive lands.

13 (e) Provisions for preservation and restoration of historic
14 structures.

15 (f) The phasing or time of construction or development on property
16 subject to the development agreement.

17 (g) Conditions, terms, restrictions and requirements for public
18 infrastructure and the financing of public infrastructure and subsequent
19 reimbursements over time.

20 (h) Conditions, terms, restrictions and requirements for annexation of
21 property by the municipality and the phasing or timing of annexation of
22 property by the municipality.

23 (i) Conditions, terms, restrictions and requirements of deannexation
24 of property from one municipality to another municipality and the phasing or
25 timing of deannexation of property from one municipality to another
26 municipality.

27 (j) Conditions, terms, restrictions and requirements relating to the
28 governing body's intent to form a special taxing district pursuant to title
29 48.

30 (k) Any other matters relating to the development of the property.

31 2. "Governing body" means the body or board which by law is
32 constituted as the legislative body of the municipality.

33 3. "Municipality" means an incorporated city or town.

34 Sec. 2. Section 9-500.11, Arizona Revised Statutes, is amended to
35 read:

36 9-500.11. Expenditures for economic development; definitions

37 A. In addition to any other powers granted to a city or town, the
38 governing body of a city or town may appropriate and spend public monies for
39 and in connection with economic development activities.

40 B. To fund economic development activities under this section, a city
41 or town subject to the requirements of section 9-500.06 shall not impose a
42 new fee or tax on a single specific industry or type of business.

43 C. NOTWITHSTANDING SECTION 19-142, SUBSECTION B, A DECISION BY THE
44 GOVERNING BODY INVOLVING AN EXPENDITURE PURSUANT TO THIS SECTION MAY NOT BE

1 ENACTED AS AN EMERGENCY MEASURE AND THAT DECISION IS NOT EFFECTIVE FOR AT
2 LEAST THIRTY DAYS AFTER FINAL APPROVAL OF THE EXPENDITURE.

3 ~~C.~~ D. For the purposes of this section:—

4 1. "Economic development activities" means any project, assistance,
5 undertaking, program or study, whether within or outside the boundaries of
6 the city or town, including acquisition, improvement, leasing or conveyance
7 of real or personal property or other activity, that the governing body of
8 the city or town has found and determined will assist in the creation or
9 retention of jobs or will otherwise improve or enhance the economic welfare
10 of the inhabitants of the city or town.

11 2. "EXPENDITURE" INCLUDES ANY WAIVER, EXEMPTION, DEDUCTION, CREDIT,
12 REBATE, DISCOUNT, DEFERRAL OR OTHER ABATEMENT OR REDUCTION OF THE NORMAL
13 MUNICIPAL TAX LIABILITY THAT OTHERWISE APPLIES TO SIMILAR EXISTING BUSINESS
14 ENTITIES AND PROPERTIES IN THAT CITY OR TOWN, HOWEVER DENOMINATED, COMPUTED
15 OR APPLIED, AND THAT IS GENERALLY UNDERSTOOD AS AN INDUCEMENT TO LOCATE A
16 BUSINESS FACILITY OR OTHER OPERATION IN THE CITY OR TOWN.

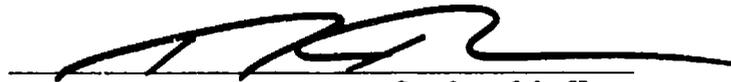
APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

Passed the House April 12, 20 05,

by the following vote: 38 Ayes,

21 Nays, 1 Not Voting



Speaker of the House
Pro Tempore

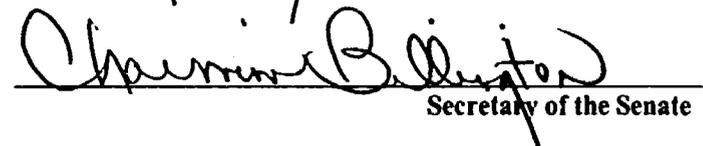

Chief Clerk of the House

Passed the Senate March 10, 20 05,

by the following vote: 22 Ayes,

7 Nays, 1 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 20 05

at 12:46 o'clock P. M.


Secretary to the Governor

Approved this 18 day of

April, 20 05,

at 2⁰⁰ o'clock P. M.


Governor of Arizona

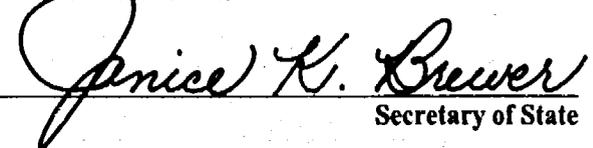
S.B. 1287

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 20 05

at 4:42 o'clock P. M.


Secretary of State