

REFERENCE TITLE: water resources; regional planning

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1508

Introduced by
Senator O'Halleran

AN ACT

AMENDING SECTIONS 9-461.05 AND 11-821, ARIZONA REVISED STATUTES; RELATING TO
MUNICIPAL AND COUNTY PLANNING.

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

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

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

22 1. A land use element that:

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

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

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

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

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

39 (f) For cities and towns with territory in the vicinity of a military
40 airport or ancillary military facility as defined in section 28-8461,
41 includes consideration of military airport or ancillary military facility
42 operations. On or before December 31, 2005, if a city or town includes land
43 in a high noise or accident potential zone as defined in section 28-8461, the
44 city or town shall identify the boundaries of the high noise or accident
45 potential zone in its general plan for purposes of planning land uses in the

1 high noise or accident potential zone that are compatible with the operation
2 of the military airport or ancillary military facility pursuant to section
3 28-8481, subsection J.

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

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

15 1. An open space element that includes:

16 (a) A comprehensive inventory of open space areas, recreational
17 resources and designations of access points to open space areas and
18 resources.

19 (b) An analysis of forecasted needs, policies for managing and
20 protecting open space areas and resources and implementation strategies to
21 acquire additional open space areas and further establish recreational
22 resources.

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

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

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

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

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

41 3. An environmental planning element that contains analyses, policies
42 and strategies to address anticipated effects, if any, of plan elements on
43 air quality, water quality and natural resources associated with proposed
44 development under the general plan. The policies and strategies to be
45 developed under this element shall be designed to have community-wide

1 applicability and shall not require the production of an additional
2 environmental impact statement or similar analysis beyond the requirements of
3 state and federal law.

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

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

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

19 5. A water resources element that addresses:

20 (a) The known legally and physically available surface water,
21 groundwater and effluent supplies.

22 (b) The **CURRENT AND COMMITTED** demand for water **IN THE CITY OR TOWN AND**
23 **THE ESTIMATED UNCOMMITTED DEMAND** that will result from future growth
24 projected ~~in the general plan, added to existing uses~~ **FOR THE CITY OR TOWN**
25 **OVER TWENTY YEARS.**

26 (c) An analysis of how the demand for water ~~that will result from~~
27 ~~future growth projected in the general plan~~ **IDENTIFIED IN SUBDIVISION (b) OF**
28 **THIS PARAGRAPH** will be served by the water supplies identified in subdivision
29 (a) of this paragraph or a plan to obtain additional necessary water
30 supplies.

31 (d) **FOR ANY CITY OR TOWN THAT IS LOCATED BOTH OUTSIDE AN ACTIVE**
32 **MANAGEMENT AREA ESTABLISHED PURSUANT TO TITLE 45, CHAPTER 2 AND IN A COUNTY**
33 **THAT MUST PLAN FOR WATER RESOURCES PURSUANT TO SECTION 11-821, SUBSECTION C,**
34 **PARAGRAPH 4, THE PRACTICALITY OF REGIONAL INTEGRATION AND COORDINATION WITH**
35 **ALL OTHER CITIES, TOWNS AND COUNTIES IN THE SAME GROUNDWATER BASIN, OR**
36 **SUBBASIN IF A SUBBASIN IS DESIGNATED PURSUANT TO SECTION 45-404, OF:**

37 (i) **CURRENT AND FUTURE WATER RESOURCE SUPPLIES, DEMANDS, CUMULATIVE**
38 **IMPACTS FROM ALL USES, CONSERVATION POLICIES AND IMPLEMENTATION STRATEGIES.**

39 (ii) **THE PUBLIC INFRASTRUCTURE REQUIRED FOR COORDINATED ACQUISITION**
40 **AND DISTRIBUTION OF WATER SUPPLIES.**

41 (iii) **WATER CONSERVATION EFFORTS.**

42 (iv) **DROUGHT MANAGEMENT EFFORTS.**

43 (v) **THE FINANCIAL RESOURCES, CAPACITY AND EFFORT REQUIRED TO IMPLEMENT**
44 **THE REGIONAL INTEGRATION OF THE WATER RESOURCES ELEMENT.**

1 E. The general plan shall include for cities of fifty thousand persons
2 or more and may include for cities of less than fifty thousand persons the
3 following elements or any part or phase of the following elements:

4 1. A conservation element for the conservation, development and
5 utilization of natural resources, including forests, soils, rivers and other
6 waters, harbors, fisheries, wildlife, minerals and other natural resources.
7 The conservation element may also cover:

8 (a) The reclamation of land.

9 (b) Flood control.

10 (c) Prevention and control of the pollution of streams and other
11 waters.

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

14 (e) Prevention, control and correction of the erosion of soils,
15 beaches and shores.

16 (f) Protection of watersheds.

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

20 (a) Natural reservations.

21 (b) Parks.

22 (c) Parkways and scenic drives.

23 (d) Beaches.

24 (e) Playgrounds and playfields.

25 (f) Open space.

26 (g) Bicycle routes.

27 (h) Other recreation areas.

28 3. The circulation element provided for in subsection C, paragraph 2
29 of this section shall also include for cities of fifty thousand persons or
30 more and may include for cities of less than fifty thousand persons
31 recommendations concerning parking facilities, building setback requirements
32 and the delineations of such systems on the land, a system of street naming
33 and house and building numbering and other matters as may be related to the
34 improvement of circulation of traffic. The circulation element may also
35 include:

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

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

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

1 5. A public buildings element showing locations of civic and community
2 centers, public schools, libraries, police and fire stations and other public
3 buildings.

4 6. A housing element consisting of standards and programs for the
5 elimination of substandard dwelling conditions, for the improvement of
6 housing quality, variety and affordability and for provision of adequate
7 sites for housing. This element shall contain an identification and analysis
8 of existing and forecasted housing needs. This element shall be designed to
9 make equal provision for the housing needs of all segments of the community
10 regardless of race, color, creed or economic level.

11 7. A conservation, rehabilitation and redevelopment element consisting
12 of plans and programs for:

13 (a) The elimination of slums and blighted areas.

14 (b) Community redevelopment, including housing sites, business and
15 industrial sites and public building sites.

16 (c) Neighborhood preservation and revitalization.

17 (d) Other purposes authorized by law.

18 8. A safety element for the protection of the community from natural
19 and artificial hazards including features necessary for such protection as
20 evacuation routes, peak load water supply requirements, minimum road widths
21 according to function, clearances around structures and geologic hazard
22 mapping in areas of known geologic hazards.

23 9. A bicycling element consisting of proposed bicycle facilities such
24 as bicycle routes, bicycle parking areas and designated bicycle street
25 crossing areas.

26 F. WITH RESPECT TO THE WATER RESOURCES ELEMENT UNDER SUBSECTION D,
27 PARAGRAPH 5 OF THIS SECTION:

28 1. CITIES AND TOWNS THAT ARE NOT REQUIRED EITHER TO ADOPT A GENERAL
29 PLAN OR TO INCLUDE A WATER RESOURCES ELEMENT IN A GENERAL PLAN SHALL
30 NEVERTHELESS COOPERATE WITH, COLLABORATE WITH, ASSIST AND PROVIDE INFORMATION
31 TO OTHER CITIES AND TOWNS AND THE COUNTY AS NECESSARY TO ACHIEVE REGIONAL
32 INTEGRATION OF THE WATER RESOURCES ELEMENT IN THE GENERAL AND COMPREHENSIVE
33 PLANS OF THE OTHER MUNICIPALITIES AND THE COUNTY AS REQUIRED BY SUBSECTION D,
34 PARAGRAPH 5, SUBDIVISION (d) OF THIS SECTION.

35 2. WITHIN FIVE YEARS AFTER EACH ADOPTION OR READOPTION OF THE GENERAL
36 PLAN THE PLANNING AGENCY SHALL REEVALUATE AND ASSESS THE VALIDITY OF THE DATA
37 AND ASSUMPTIONS THAT WERE USED IN DEVELOPING THE WATER RESOURCES ELEMENT AND
38 SHALL PREPARE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS AS AN ATTACHMENT
39 TO THE GENERAL PLAN. THIS PARAGRAPH DOES NOT REQUIRE ANY CITY OR TOWN TO
40 AMEND ITS GENERAL PLAN IN ADVANCE OF ITS NORMAL READOPTION PROCESS.

41 3. The water resources element of the general plan does not require:

42 ~~1.~~ (a) New independent hydrogeologic studies.

43 ~~2.~~ (b) The city or town to be a water service provider.

44 G. The land use element of a general plan of a city with a population
45 of more than one million persons shall include protections from encroaching

1 development for any shooting range that is owned by this state and that is
2 located within or adjacent to the exterior municipal boundaries on or before
3 January 1, 2004. The general plan shall establish land use categories within
4 at least one-half mile from the exterior boundaries of the shooting range
5 that are consistent with the continued existence of the shooting range and
6 that exclude incompatible uses such as residences, schools, hotels, motels,
7 hospitals or churches except that land zoned to permit these incompatible
8 uses on ~~the effective date of this amendment to this section~~ **AUGUST 25, 2004**
9 are exempt from this exclusion. For the purposes of this subsection,
10 "shooting range" means a permanently located and improved area that is
11 designed and operated for the use of rifles, shotguns, pistols, silhouettes,
12 skeet, trap, black powder or any other similar sport shooting in an outdoor
13 environment. Shooting range does not include:

- 14 1. Any area for the exclusive use of archery or air guns.
- 15 2. An enclosed indoor facility that is designed to offer a totally
16 controlled shooting environment and that includes impenetrable walls, floor
17 and ceiling, adequate ventilation, lighting systems and acoustical treatment
18 for sound attenuation suitable for the range's approved use.
- 19 3. A national guard facility located in a city or town with a
20 population of more than one million persons.
- 21 4. A facility that was not owned by this state before January 1, 2002.

22 H. The policies and strategies to be developed under these elements
23 shall be designed to have community-wide applicability and this section does
24 not authorize the imposition of dedications, exactions, fees or other
25 requirements that are not otherwise authorized by law.

26 Sec. 2. Section 11-821, Arizona Revised Statutes, is amended to read:
27 **11-821. County plan: definitions**

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

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

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

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

10 3. Shall consider access to incident solar energy.

11 4. May provide for retirement community zoning districts.

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

23 C. IF A CITY OR TOWN IN THE COUNTY IS REQUIRED TO INCLUDE A WATER
24 RESOURCES ELEMENT IN ITS MUNICIPAL GENERAL PLAN PURSUANT TO SECTION 9-461.05,
25 SUBSECTION D, PARAGRAPH 5, THE COUNTY COMPREHENSIVE PLAN SHALL INCLUDE
26 PLANNING FOR WATER RESOURCES IN ITS AREA OF JURISDICTION THAT ADDRESSES:

27 1. THE KNOWN SURFACE WATER, GROUNDWATER AND EFFLUENT SUPPLIES THAT ARE
28 LEGALLY AND PHYSICALLY AVAILABLE.

29 2. THE CURRENT AND COMMITTED DEMAND FOR WATER IN THE COUNTY AND THE
30 ESTIMATED UNCOMMITTED DEMAND THAT WILL RESULT FROM FUTURE GROWTH PROJECTED
31 FOR THE COUNTY OVER TWENTY YEARS.

32 3. AN ANALYSIS OF HOW THE DEMAND FOR WATER IDENTIFIED IN PARAGRAPH 2
33 OF THIS SUBSECTION WILL BE SERVED BY THE WATER SUPPLIES IDENTIFIED IN
34 PARAGRAPH 1 OF THIS SUBSECTION OR A PLAN TO OBTAIN ADDITIONAL NECESSARY WATER
35 SUPPLIES.

36 4. WITH RESPECT TO AREAS OUTSIDE ACTIVE MANAGEMENT AREAS ESTABLISHED
37 PURSUANT TO TITLE 45, CHAPTER 2 IN COUNTIES HAVING A POPULATION OF MORE THAN
38 ONE HUNDRED THOUSAND PERSONS, AND IN OTHER COUNTIES IN WHICH PRIVATE LAND
39 OWNERSHIP CONSTITUTES LESS THAN FOUR PER CENT OF THE TOTAL AREA OF THE
40 COUNTY, THE PRACTICALITY OF REGIONAL INTEGRATION AND COORDINATION WITH ALL
41 CITIES, TOWNS AND OTHER COUNTIES IN THE SAME GROUNDWATER BASIN, OR SUBBASIN
42 IF A SUBBASIN IS DESIGNATED PURSUANT TO SECTION 45-404, OF:

43 (a) CURRENT AND FUTURE WATER RESOURCE SUPPLIES, DEMANDS, CUMULATIVE
44 IMPACTS FROM ALL USES, CONSERVATION POLICIES AND IMPLEMENTATION STRATEGIES.

1 (b) THE PUBLIC INFRASTRUCTURE REQUIRED FOR COORDINATED ACQUISITION AND
2 DISTRIBUTION OF WATER SUPPLIES.

3 (c) WATER CONSERVATION EFFORTS.

4 (d) DROUGHT MANAGEMENT EFFORTS.

5 (e) THE FINANCIAL RESOURCES, CAPACITY AND EFFORT REQUIRED TO IMPLEMENT
6 THE REGIONAL INTEGRATION OF THE WATER RESOURCES ELEMENT AS PROVIDED BY THIS
7 PARAGRAPH.

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

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

18 (a) A statement of the standards of population density and building
19 intensity recommended for the various land use categories covered by the
20 plan.

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

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

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

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

33 ~~3. Planning for water resources that addresses:~~

34 ~~(a) The known legally and physically available surface water,~~
35 ~~groundwater and effluent supplies.~~

36 ~~(b) The demand for water that will result from future growth projected~~
37 ~~in the county plan, added to existing uses.~~

38 ~~(c) An analysis of how the demand for water that will result from~~
39 ~~future growth projected in the comprehensive plan will be served by the water~~
40 ~~supplies identified in subdivision (a) of this paragraph or a plan to obtain~~
41 ~~additional necessary water supplies.~~

42 ~~D.~~ E. In addition to the other matters that are required or
43 authorized under this section and article 1 of this chapter, for counties
44 having a population of more than two hundred thousand persons according to

1 the most recent United States decennial census, the county plan shall
2 include, and for other counties the county plan may include:

3 1. Planning for open space acquisition and preservation. The open
4 space plan shall include:

5 (a) A comprehensive inventory of open space areas, recreational
6 resources and designations of access points to open space areas and
7 resources.

8 (b) An analysis of forecasted needs, policies for managing and
9 protecting open space areas and resources and implementation strategies to
10 acquire additional open space areas and further establish recreational
11 resources.

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

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

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

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

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

30 3. An environmental planning element that contains ~~analysis~~ ANALYSES,
31 policies and strategies to address anticipated effects, if any, of plan
32 elements on air quality, water quality and natural resources associated with
33 proposed development under the comprehensive plan. The policies and
34 strategies to be developed under this element shall be designed to have
35 countywide applicability and shall not require the production of an
36 additional environmental impact statement or similar analysis beyond the
37 requirements of state and federal law.

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

43 (a) A component that identifies various mechanisms that are allowed by
44 law and that can be used to fund and finance additional public services
45 necessary to serve the development, including bonding, special taxing

1 districts, development fees, in lieu fees and facility construction,
2 dedications and privatization.

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

8 ~~E.~~ F. WITHIN FIVE YEARS AFTER EACH ADOPTION OR READOPTION OF THE
9 COMPREHENSIVE PLAN THE COMMISSION SHALL REEVALUATE AND ASSESS THE VALIDITY OF
10 THE DATA AND ASSUMPTIONS THAT WERE USED IN DEVELOPING THE WATER RESOURCES
11 ELEMENT UNDER SUBSECTION C OF THIS SECTION AND SHALL PREPARE A REPORT OF ITS
12 FINDINGS AND RECOMMENDATIONS AS AN ATTACHMENT TO THE COMPREHENSIVE PLAN.
13 THIS SUBSECTION DOES NOT REQUIRE ANY COUNTY TO AMEND ITS COMPREHENSIVE PLAN
14 IN ADVANCE OF ITS NORMAL READOPTION PROCESS. The water resources element of
15 the comprehensive plan does not require:

- 16 1. New independent hydrogeologic studies.
- 17 2. The county to be a water service provider.

18 ~~F.~~ G. To carry out the purposes of this article, the board may adopt
19 overlay zoning districts and regulations applicable to particular buildings,
20 structures and land within individual zones. For the purposes of this
21 subsection, "overlay zoning district" means a special zoning district that
22 includes regulations ~~which~~ THAT modify regulations in another zoning district
23 with which the overlay zoning district is combined. Overlay zoning districts
24 and regulations shall be adopted pursuant to section 11-829. The provisions
25 of overlay zoning shall apply retroactively to authorize overlay zoning
26 districts and regulations adopted before April 20, 1993.

27 ~~G.~~ H. The policies and strategies to be developed under these
28 elements shall be designed to have regional applicability.

29 ~~H.~~ I. This section does not authorize:

- 30 1. The imposition of dedications, exactions, fees or other
31 requirements that are not otherwise authorized by law.
- 32 2. The regulation or restriction of the use or occupation of land or
33 improvements for railroad, mining, metallurgical, grazing or general
34 agricultural purposes, if the tract concerned is five or more contiguous
35 commercial acres.

36 ~~I.~~ J. For the purposes of this section:

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

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

1 (a) Books, magazines, periodicals or other printed matter,
2 photographs, films, motion pictures, videocassettes or reproductions or
3 slides or other visual representations that depict or describe specific
4 sexual activities or specific anatomical areas.

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

7 3. "Adult live entertainment establishment" means an establishment
8 that features either:

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

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

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

17 5. "Adult oriented business" means adult arcades, adult bookstores or
18 video stores, cabarets, adult live entertainment establishments, adult motion
19 picture theaters, adult theaters, massage establishments that offer adult
20 service or nude model studios.

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

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

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

31 9. "Adult theater" means a theater, concert hall, auditorium or
32 similar commercial establishment that predominantly features persons who
33 appear in a state of nudity or who engage in live performances that are
34 characterized by the exposure of specific anatomical areas or specific sexual
35 activities.

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

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

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

1 (a) Physicians WHO ARE licensed pursuant to title 32, chapter 7, 8,
2 13, 14 or 17.

3 (b) Registered nurses, licensed practical nurses or technicians who
4 are acting under the supervision of a physician WHO IS licensed pursuant to
5 title 32, chapter 13 or 17.

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

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

10 13. "Nude model studio" means a place in which a person who appears in
11 a state of nudity or who displays specific anatomical areas is observed,
12 sketched, drawn, painted, sculptured, photographed or otherwise depicted by
13 other persons who pay money or other consideration. Nude model studio does
14 not include a proprietary school that is licensed by this state, a college,
15 community college or university that is supported entirely or in part by
16 taxation, a private college or university that maintains and operates
17 educational programs in which credits are transferable to a college,
18 community college or university that is supported entirely or in part by
19 taxation or a structure to which the following apply:

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

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

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

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

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

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

33 15. "Principal business purposes" means that a commercial establishment
34 derives fifty per cent or more of its gross income from the sale or rental of
35 items listed in paragraph 2 of this subsection.

36 16. "Seminude" means a state of dress in which clothing covers no more
37 than the genitals, pubic region and female breast below a point immediately
38 above the top of the areola, as well as portions of the body that are covered
39 by supporting straps or devices.

40 17. "Specific anatomical areas" means any of the following:

41 (a) A human anus, genitals, THE pubic region or a female breast below
42 a point immediately above the top of the areola that is less than completely
43 and opaquely covered.

44 (b) Male genitals in a discernibly turgid state even if completely and
45 opaquely covered.

- 1 18. "Specific sexual activities" means any of the following:
2 (a) Human genitals in a state of sexual stimulation or arousal.
3 (b) Sex acts, normal or perverted, actual or simulated, including acts
4 of human masturbation, sexual intercourse, oral copulation or sodomy.
5 (c) Fondling or other erotic touching of the human genitals, pubic
6 region, buttocks, anus or female breast.
7 (d) Excretory functions as part of or in connection with any of the
8 activities under subdivision (a), (b) or (c) of this paragraph.

9 Sec. 3. Amendment of general and comprehensive plans

10 On or before December 31, 2009, the governing body of each city, town
11 and county shall amend its general plan or comprehensive plan as necessary to
12 comply with the requirements of the water resources element as prescribed by
13 section 9-461.05 or 11-821, Arizona Revised Statutes, as amended by this act.
14 An amendment of the general plan or comprehensive plan for this purpose is
15 not considered to be a major amendment for purposes of the adoption process.