

Arizona State Statutes relating to Municipalities' General Plan

48-5909. General plan

Within sixty days after formation of the district, the governing board shall adopt a district general plan that shall contain at least that information prescribed by section 48-5902 and that shall be substantially similar to the preliminary general plan for the district. The district general plan may be amended only by the district board of directors at a public meeting of the board.

9-461. Definitions

In this article, unless the context otherwise requires:

1. "General plan" means a municipal statement of land development policies, which may include maps, charts, graphs and text which set forth objectives, principles and standards for local growth and redevelopment enacted under the provisions of this article or any prior statute.
2. "Municipal" or "municipality" means an incorporated city or town.
3. "Planning agency" means the official body designated by local ordinance to carry out the purposes of this article and may be a planning department, a planning commission, a hearing officer, the legislative body itself, or any combination thereof.
4. "Right-of-way" means any public right-of-way and includes any area required for public use pursuant to any general or specific plan.
5. "Specific plan" means a detailed element of the general plan enacted under the provisions of this article or a prior statute.
6. "Street" means streets, highways, freeways, expressways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public access easements and rights-of-way.
7. "Subdivision regulations" means a municipal ordinance regulating the design and improvement of subdivisions enacted under the provisions of article 6.2 of this chapter, or any prior statute, regulating the design and improvement of subdivisions.
8. "Zoning ordinance" means a municipal ordinance regulating the use of land, structures or both, under the provisions of this article.

9-461.05. General plans; authority; scope

A. Each planning agency shall prepare and the governing body of each municipality shall adopt a comprehensive, long-range general plan for the development of the municipality. The planning agency shall coordinate the production of its general plan with the creation of the state land department conceptual land use plans under title 37, chapter 2, article 5.1 and shall cooperate with the state land department regarding integrating the conceptual

state land use plans into the municipality's general land use plan. The general plan shall include provisions that identify changes or modifications to the plan that constitute amendments and major amendments. The plan shall be adopted and readopted in the manner prescribed by section 9-461.06.

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

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

1. A **land use element** that:

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

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

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

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

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

(f) For cities and towns with territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, includes consideration of military airport or ancillary military facility operations. On or before December 31, 2005, if a city or town includes land in a high noise or accident potential zone as defined in section 28-8461, the city or town shall identify the boundaries of the high noise or accident potential zone in its general plan for purposes of planning land uses in the high noise or accident potential zone that are compatible with the operation of the military airport or ancillary military facility pursuant to section 28-8481, subsection J.

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

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

1. An **open space element** that includes:

- (a) A comprehensive inventory of open space areas, recreational resources and designations of access points to open space areas and resources.
- (b) An analysis of forecasted needs, policies for managing and protecting open space areas and resources and implementation strategies to acquire additional open space areas and further establish recreational resources.
- (c) Policies and implementation strategies designed to promote a regional system of integrated open space and recreational resources and a consideration of any existing regional open space plans.

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

- (a) Make automobile, transit and other multimodal circulation more efficient, make infrastructure expansion more economical and provide for a rational pattern of land development.
- (b) Conserve significant natural resources and open space areas in the growth area and coordinate their location to similar areas outside the growth area's boundaries.
- (c) Promote the public and private construction of timely and financially sound infrastructure expansion through the use of infrastructure funding and financing planning that is coordinated with development activity.

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

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

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

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

5. A **water resources element** that addresses:

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

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

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

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

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

(a) The reclamation of land.

(b) Flood control.

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

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

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

(f) Protection of watersheds.

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

- (a) Natural reservations.
- (b) Parks.
- (c) Parkways and scenic drives.
- (d) Beaches.
- (e) Playgrounds and playfields.
- (f) Open space.
- (g) Bicycle routes.
- (h) Other recreation areas.

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

- (a) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts and grade separations. This element of the plan may also include port, harbor, aviation and related facilities.
- (b) A transit element showing a proposed system of rail or transit lines or other mode of transportation as may be appropriate.

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

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

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

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

- (a) The elimination of slums and blighted areas.
- (b) Community redevelopment, including housing sites, business and industrial sites and public building sites.
- (c) Other purposes authorized by law.

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

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

10. An **energy element** that includes:

(a) A component that identifies policies that encourage and provide incentives for efficient use of energy.

(b) An assessment that identifies policies and practices that provide for greater uses of renewable energy sources.

11. A **neighborhood preservation and revitalization element**, including:

(a) A component that identifies city programs that promote home ownership, that provide assistance for improving the appearance of neighborhoods and that promote maintenance of both commercial and residential buildings in neighborhoods.

(b) A component that identifies city programs that provide for the safety and security of neighborhoods.

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

1. New independent hydrogeologic studies.

2. The city or town to be a water service provider.

G. The land use element of a general plan of a city with a population of more than one million persons shall include protections from encroaching development for any shooting range that is owned by this state and that is located within or adjacent to the exterior municipal boundaries on or before January 1, 2004. The general plan shall establish land use categories within at least one-half mile from the exterior boundaries of the shooting range that are consistent with the continued existence of the shooting range and that exclude incompatible uses such as residences, schools, hotels, motels, hospitals or churches except that land zoned to permit these incompatible uses on August 25, 2004 are exempt from this exclusion. For the purposes of this subsection, "shooting range" means a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range does not include:

1. Any area for the exclusive use of archery or air guns.

2. An enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and ceiling, adequate ventilation,

lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

3. A national guard facility located in a city or town with a population of more than one million persons.

4. A facility that was not owned by this state before January 1, 2002.

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

9-461.07. Administration of general plan

A. After the municipal legislative body has adopted a general plan, or amendment thereto, the planning agency shall undertake the following actions to encourage effectuation of the plan:

1. Investigate and make recommendations to the legislative body upon reasonable and practical means for putting into effect the general plan or part thereof in order that it will serve as a pattern and guide for the orderly growth and development of the municipality and as a basis for the efficient expenditure of its funds relating to the subjects of the general plan. The measures recommended may include plans, regulations, financial reports and capital budgets.

2. Render an annual report to the legislative body on the status of the plan and progress in its application.

3. Endeavor to promote public interest in and understanding of the general plan and regulations relating to it.

4. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally with relation to carrying out the general plan.

B. Upon adoption of a general plan or part thereof, each municipal officer, department, board or commission, and each governmental body, commission or board whose jurisdiction lies entirely or partially within the municipality, whose functions include recommending, preparing plans for or constructing major public works, shall submit to an agency, as designated by the respective municipal legislative body, a list of the proposed public works located entirely or partially within the municipality recommended for planning, initiation or construction during the ensuing fiscal year. The agency shall list

and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the municipal planning agency for review and report to such agency as to conformity with the adopted general plan or part thereof.

C. No public real property may be acquired by dedication or otherwise for street, square, park or other public purposes, no public real property may be disposed of, no public street may be vacated or abandoned and no public building or structure may be constructed or authorized, if an adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with such adopted general plan or part thereof. The planning agency shall render its report as to conformity with such adopted general plan or part thereof within forty days after the matter was submitted to it. The provisions of this subsection do not apply to acquisitions or abandonments for street widening or alignment projects of a minor nature if the legislative body so provides by ordinance or resolution.

37-331.03. Conceptual urban state trust land use plans; five year state trust land disposition plans; definitions

A. The commissioner shall create conceptual land use plans for all urban state trust land in this state and other state trust lands the commissioner considers to be appropriate. The commissioner shall:

1. Prioritize the creation of conceptual plans to the extent possible to:
 - (a) Correlate with the rate of population growth in the urban areas in this state.
 - (b) Coincide with the production of municipal general plans under title 9, chapter 4, article 6 and county plans under title 11, chapter 6, article 2.
2. Revise and update each plan at least every ten years.
3. Consult with the city, town or county in which the land is located and with any regional planning organization regarding integrating the conceptual plan into the general land use plan of the city, town or county.
4. Submit each plan, and revision of the plan, to the urban land planning oversight committee for review.

B. On approval of the conceptual land use plan by the commissioner under this section, the conceptual plan is considered to be a state general plan for purposes of this article.

C. The commissioner may create the conceptual land use plans under subsection A of this section by any of the following methods:

1. Using department staff or private consultants.
2. Entering into participation contracts pursuant to section 37-239.
3. Issuing planning permits for urban lands pursuant to section 37-338.
4. Entering into planning contracts for urban lands or other state trust lands the commissioner considers to be appropriate, including compensation as provided by section 37-338, subsection D.

D. The commissioner shall create five year disposition plans for all state trust land in this state, based at a minimum on market demand, anticipated transportation and infrastructure availability. The commissioner shall:

1. Review and update each plan each year as may be necessary.
2. Consult with the city, town or county in which the land is located and with any regional planning organization.
3. Submit each plan and revision to the urban land planning oversight committee to ensure conformity with the conceptual plan under subsection A.

E. For the purposes of this section:

1. "Conceptual land use plan" means a plan that is developed for urban state trust land and other state trust lands the commissioner considers to be appropriate and that identifies:

(a) Appropriate land uses, including commercial, industrial, residential and open space uses.

(b) Transportation corridors and infrastructure requirements.

(c) All natural and artificial constraints and opportunities associated with the land.

2. "Five year disposition plan" means a plan that identifies the land projected to be sold, leased, reclassified for conservation purposes, master planned or zoned during the next five years.