

REFERENCE TITLE: emergency communications; antennae; accommodation

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2615

Introduced by
Representatives McLain, Ableser, McGuire: Antenori, Fleming, Goodale,
Kavanagh, Meza, Schapira, Sinema, Tobin

AN ACT

AMENDING SECTIONS 9-462.01, 11-821 AND 33-1808, ARIZONA REVISED STATUTES;
RELATING TO EMERGENCY SERVICE COMMUNICATIONS ACCOMMODATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 9-462.01, Arizona Revised Statutes, is amended to
3 read:
4 9-462.01. Zoning regulations; public hearing; definitions
5 A. Pursuant to this article, the legislative body of any municipality
6 by ordinance may in order to conserve and promote the public health, safety
7 and general welfare:
8 1. Regulate the use of buildings, structures and land as between
9 agriculture, residence, industry, business and other purposes.
10 2. Regulate signs and billboards.
11 3. Regulate the location, height, bulk, number of stories and size of
12 buildings and structures, the size and use of lots, yards, courts and other
13 open spaces, the percentage of a lot which may be occupied by a building or
14 structure, access to incident solar energy and the intensity of land use.
15 REASONABLE HEIGHTS AND DIMENSIONS SHALL BE PROVIDED FOR ACCOMMODATION OF
16 AMATEUR RADIO STATION EMERGENCY SERVICE COMMUNICATIONS ANTENNAE AND
17 STRUCTURES.
18 4. Establish requirements for off-street parking and loading.
19 5. Establish and maintain building setback lines.
20 6. Create civic districts around civic centers, public parks, public
21 buildings or public grounds and establish regulations therefor.
22 7. Require as a condition of rezoning public dedication of
23 rights-of-way as streets, alleys, public ways, drainage and public utilities
24 as are reasonably required by or related to the effect of the rezoning.
25 8. Establish floodplain zoning districts and regulations to protect
26 life and property from the hazards of periodic inundation. Regulations may
27 include variable lot sizes, special grading or drainage requirements, or
28 other requirements deemed necessary for the public health, safety or general
29 welfare.
30 9. Establish special zoning districts or regulations for certain lands
31 characterized by adverse topography, adverse soils, subsidence of the earth,
32 high water table, lack of water or other natural or man-made hazards to life
33 or property. Regulations may include variable lot sizes, special grading or
34 drainage requirements, or other requirements deemed necessary for the public
35 health, safety or general welfare.
36 10. Establish districts of historical significance provided that:
37 (a) The ordinances may require that special permission be obtained for
38 any development within the district if the legislative body has adopted a
39 plan for the preservation of districts of historical significance which meets
40 the requirements of subdivision (b) of this paragraph, and the criteria
41 contained in the ordinance are consistent with the objectives set forth in
42 the plan.
43 (b) A plan for the preservation of districts of historical
44 significance shall identify districts of special historical significance,
45 state the objectives to be sought concerning the development or preservation

1 of sites, area and structures within the district, and formulate a program
2 for public action including the provision of public facilities and the
3 regulation of private development and demolition necessary to realize these
4 objectives.

5 (c) The ordinance establishing districts of historical significance
6 shall set forth standards necessary to preserve the historical character of
7 the area so designated.

8 (d) The ordinances may designate or authorize any committee,
9 commission, department or person to designate structures or sites of special
10 historical significance in accordance with criteria contained in the
11 ordinance, and no designation shall be made except after a public hearing
12 upon notice of the owners of record of the property so designated. The
13 ordinances may require that special permission be obtained for any
14 development respecting the structures or sites.

15 11. Establish age specific community zoning districts in which
16 residency is restricted to a head of a household or spouse who must be of a
17 specific age or older and in which minors are prohibited from living in the
18 home. Age specific community zoning districts shall not be overlaid over
19 property without the permission of all owners of property included as part of
20 the district unless all of the property in the district has been developed,
21 advertised and sold or rented under specific age restrictions. The
22 establishment of age specific community zoning districts is subject to all of
23 the public notice requirements and other procedures prescribed by this
24 article.

25 12. Establish procedures, methods and standards for the transfer of
26 development rights within its jurisdiction. Any proposed transfer of
27 development rights from the sending property or to the receiving property
28 shall be subject to the notice and hearing requirements of section 9-462.04
29 and shall be subject to the approval and consent of the property owners of
30 both the sending and receiving property. Before any transfer of development
31 rights, a municipality shall adopt an ordinance providing for:

32 (a) The issuance and recordation of the instruments necessary to sever
33 development rights from the sending property and to affix development rights
34 to the receiving property. These instruments shall be executed by the
35 affected property owners and lienholders.

36 (b) The preservation of the character of the sending property and
37 assurance that the prohibitions against the use and development of the
38 sending property shall bind the landowner and every successor in interest to
39 the landowner.

40 (c) The severance of transferable development rights from the sending
41 property and the delayed transfer of development rights to a receiving
42 property.

43 (d) The purchase, sale, exchange or other conveyance of transferable
44 development rights prior to the rights being affixed to a receiving property.

1 (e) A system for monitoring the severance, ownership, assignment and
2 transfer of transferable development rights.

3 (f) The right of a municipality to purchase development rights and to
4 hold them for resale.

5 (g) The right of a municipality at its discretion to enter into an
6 intergovernmental agreement with another municipality or a county for the
7 transfer of development rights between jurisdictions. The transfer shall
8 comply with this paragraph, except that if the sending property is located in
9 an unincorporated area of a county, the approval of the development rights to
10 be sent to a municipality shall comply with section 11-821.03.

11 B. For the purposes prescribed in subsection A of this section, the
12 legislative body may divide a municipality, or portion of a municipality,
13 into zones of the number, shape and area it deems best suited to carry out
14 the purpose of this article and articles 6, 6.2 and 6.3 of this chapter.

15 C. All zoning regulations shall be uniform for each class or kind of
16 building or use of land throughout each zone, but the regulations in one type
17 of zone may differ from those in other types of zones as follows:

18 1. Within individual zones, there may be uses permitted on a
19 conditional basis under which additional requirements must be met, including
20 requiring site plan review and approval by the planning agency. The
21 conditional uses are generally characterized by any of the following:

22 (a) Infrequency of use.

23 (b) High degree of traffic generation.

24 (c) Requirement of large land area.

25 2. Within residential zones, the regulations may permit modifications
26 to minimum yard lot area and height requirements.

27 D. To carry out the purposes of this article and articles 6 and 6.2 of
28 this chapter, the legislative body may adopt overlay zoning districts and
29 regulations applicable to particular buildings, structures and land within
30 individual zones. For the purposes of this subsection, "overlay zoning
31 district" means a special zoning district that includes regulations which
32 modify regulations in another zoning district with which the overlay zoning
33 district is combined. Overlay zoning districts and regulations shall be
34 adopted pursuant to section 9-462.04.

35 E. The legislative body may approve a change of zone conditioned upon
36 a schedule for development of the specific use or uses for which rezoning is
37 requested. If at the expiration of this period the property has not been
38 improved for the use for which it was conditionally approved, the legislative
39 body, after notification by certified mail to the owner and applicant who
40 requested the rezoning, shall schedule a public hearing to take
41 administrative action to extend, remove or determine compliance with the
42 schedule for development or take legislative action to cause the property to
43 revert to its former zoning classification.

44 F. All zoning and rezoning ordinances or regulations adopted under
45 this article shall be consistent with and conform to the adopted general plan

1 of the municipality, if any, as adopted under article 6 of this chapter. In
2 the case of uncertainty in construing or applying the conformity of any part
3 of a proposed rezoning ordinance to the adopted general plan of the
4 municipality, the ordinance shall be construed in a manner that will further
5 the implementation of, and not be contrary to, the goals, policies and
6 applicable elements of the general plan. A rezoning ordinance conforms with
7 the land use element of the general plan if it proposes land uses, densities
8 or intensities within the range of identified uses, densities and intensities
9 of the land use element of the general plan.

10 G. No regulation or ordinance under this section may prevent or
11 restrict agricultural composting on farmland that is five or more contiguous
12 acres and that meets the requirements of this subsection. An agricultural
13 composting operation shall notify in writing the legislative body of the city
14 or town and the nearest fire department of the location of the composting
15 operation. If the nearest fire department is located in a different city or
16 town from the agricultural composting operation, the agricultural composting
17 operation shall also notify in writing the fire department of the city or
18 town in which the operation is located. Agricultural composting is subject
19 to sections 3-112 and 49-141. Agricultural composting may not be conducted
20 within one thousand three hundred twenty feet of an existing residential use,
21 unless the operations are conducted on farmland or land leased in association
22 with farmland. Any disposal of manure shall comply with section 49-247. For
23 the purposes of this subsection:

24 1. "Agricultural composting" means the controlled biological
25 decomposition of organic solid waste under in-vessel anaerobic or aerobic
26 conditions where all or part of the materials are generated on the farmland
27 or will be used on the farmland associated with the agricultural composting
28 operation.

29 2. "Farmland" has the same meaning prescribed in section 3-111 and is
30 subject to regulation under section 49-247.

31 H. For the purposes of this section:

32 1. "Development rights" means the maximum development that would be
33 allowed on the sending property under any general or specific plan and local
34 zoning ordinance of a municipality in effect on the date the municipality
35 adopts an ordinance pursuant to subsection A, paragraph 12 of this section
36 respecting the permissible use, area, bulk or height of improvements made to
37 the lot or parcel. Development rights may be calculated and allocated in
38 accordance with factors including dwelling units, area, floor area, floor
39 area ratio, height limitations, traffic generation or any other criteria that
40 will quantify a value for the development rights in a manner that will carry
41 out the objectives of this section.

42 2. "Receiving property" means a lot or parcel within which development
43 rights are increased pursuant to a transfer of development rights. Receiving
44 property shall be appropriate and suitable for development and shall be
45 sufficient to accommodate the transferable development rights of the sending

1 property without substantial adverse environmental, economic or social impact
2 to the receiving property or to neighboring property.

3 3. "Sending property" means a lot or parcel with special
4 characteristics, including farmland, woodland, desert land, mountain land,
5 floodplain, natural habitats, recreation or parkland, including golf course
6 area, or land that has unique aesthetic, architectural or historic value that
7 a municipality desires to protect from future development.

8 4. "Transfer of development rights" means the process by which
9 development rights from a sending property are affixed to one or more
10 receiving properties.

11 Sec. 2. Section 11-821, Arizona Revised Statutes, is amended to read:
12 11-821. County plan; definitions

13 A. The commission shall formulate and the board of supervisors shall
14 adopt or readopt a comprehensive long-term county plan for the development of
15 the area of jurisdiction in the manner prescribed by this article. The
16 planning commission shall coordinate the production of the county plan with
17 the creation of the conceptual state land use plans under title 37, chapter
18 2, article 5.1. The county plan, with the accompanying maps, plats, charts
19 and descriptive matter, shall show the commission's recommendations for the
20 development of the area of jurisdiction together with the general zoning
21 regulations. The county plan shall be made with the general purpose of
22 guiding and accomplishing a coordinated, adjusted and harmonious development
23 of the area of jurisdiction. In the preparation of the county plan the
24 commission shall make surveys and studies of the present conditions and
25 prospective future growth of the area of the jurisdiction. The planning
26 commission shall cooperate with the state land department regarding
27 integrating the conceptual state land use plans into the county plan. The
28 county plan shall include provisions that identify changes or modifications
29 that constitute amendments and major amendments to the plan.

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

32 1. Shall provide for zoning, shall show the zoning districts
33 designated as appropriate for various classes of residential, business and
34 industrial uses and shall provide for the establishment of setback lines and
35 other plans providing for adequate light, air and parking facilities and for
36 expediting traffic within the districts.

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

39 3. Shall consider access to incident solar energy.

40 4. May provide for retirement community zoning districts.

41 5. May provide for the regulation and use of business licenses, adult
42 oriented business manager permits and adult service provider permits in
43 conjunction with the establishment or operation of adult oriented businesses
44 and facilities, including adult arcades, adult bookstores or video stores,
45 cabarets, adult live entertainment establishments, adult motion picture

1 theaters, adult theaters, massage establishments and nude model studios.
2 With respect to cabarets, the plan shall not conflict with specific statutory
3 or valid regulatory requirements applicable to persons licensed to dispense
4 alcoholic beverages, but the plan may include regulation of the age and
5 conduct of erotic entertainers in a manner at least as restrictive as rules
6 adopted under title 4.

7 **6. SHALL PROVIDE FOR REASONABLE HEIGHTS AND DIMENSIONS FOR**
8 **ACCOMMODATION OF AMATEUR RADIO STATION EMERGENCY SERVICE COMMUNICATIONS**
9 **ANTENNAE AND STRUCTURES IN GENERAL ZONING REGULATIONS.**

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

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

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

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

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

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

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

35 3. Planning for water resources that addresses:

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

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

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

44 4. Planning for energy use that:

45 (a) Encourages and provides incentives for efficient use of energy.

1 (b) Identifies policies and practices for greater use of renewable
2 energy.

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

8 1. Planning for open space acquisition and preservation. The open
9 space plan shall include:

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

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

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

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

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

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

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

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

43 4. A cost of development element that identifies policies and
44 strategies that the county will use to require development to pay its fair
45 share toward the cost of additional public facility needs generated by new

1 development, with appropriate exceptions when in the public interest. This
2 element shall include:

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

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

13 E. The water resources element of the comprehensive plan does not
14 require:

15 1. New independent hydrogeologic studies.

16 2. The county to be a water service provider.

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

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

28 H. This section does not authorize:

29 1. The imposition of dedications, exactions, fees or other
30 requirements that are not otherwise authorized by law.

31 2. The regulation or restriction of the use or occupation of land or
32 improvements for railroad, mining, metallurgical, grazing or general
33 agricultural purposes, if the tract concerned is five or more contiguous
34 commercial acres.

35 I. For the purposes of this section:

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

42 2. "Adult bookstore or video store" means a commercial establishment
43 that offers for sale or rent any of the following as one of its principal
44 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) Registered nurse practitioners who are licensed pursuant to title
7 32, chapter 15.

8 (d) Persons who are employed or acting as trainers for a bona fide
9 amateur, semiprofessional or professional athlete or athletic team.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 18. "Specific sexual activities" means any of the following:

4 (a) Human genitals in a state of sexual stimulation or arousal.

5 (b) Sex acts, normal or perverted, actual or simulated, including acts
6 of human masturbation, sexual intercourse, oral copulation or sodomy.

7 (c) Fondling or other erotic touching of the human genitals, pubic
8 region, buttocks, anus or female breast.

9 (d) Excretory functions as part of or in connection with any of the
10 activities under subdivision (a), (b) or (c) of this paragraph.

11 Sec. 3. Section 33-1808, Arizona Revised Statutes, is amended to read:

12 33-1808. Flag display; political signs; caution signs; for sale
13 signs; political petitions; amateur radio structures

14 A. Notwithstanding any provision in the community documents, an
15 association shall not prohibit the outdoor display of any of the following:

16 1. The American flag or an official or replica of a flag of the United
17 States army, navy, air force, marine corps or coast guard by an association
18 member on that member's property if the American flag or military flag is
19 displayed in a manner consistent with the federal flag code (P.L. 94-344; 90
20 Stat. 810; 4 United States Code sections 4 through 10).

21 2. The POW/MIA flag.

22 3. The Arizona state flag.

23 4. An Arizona Indian nations flag.

24 B. The association shall adopt reasonable rules and regulations
25 regarding the placement and manner of display of the American flag, the
26 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
27 nations flag. The association rules may regulate the location and size of
28 flagpoles but shall not prohibit the installation of a flagpole.

29 C. Notwithstanding any provision in the community documents, an
30 association shall not prohibit the indoor or outdoor display of a political
31 sign by an association member on that member's property, except that an
32 association may prohibit the display of political signs earlier than
33 forty-five days before the day of an election and later than seven days after
34 an election day. An association may regulate the size and number of
35 political signs that may be placed on a member's property if the
36 association's regulation is no more restrictive than any applicable city,
37 town or county ordinance that regulates the size and number of political
38 signs on residential property. If the city, town or county in which the
39 property is located does not regulate the size and number of political signs
40 on residential property, the association shall permit at least one political
41 sign with the maximum dimensions of twenty-four inches by twenty-four inches
42 on a member's property. For the purposes of this subsection, "political
43 sign" means a sign that attempts to influence the outcome of an election,
44 including supporting or opposing the recall of a public officer or supporting

1 or opposing the circulation of a petition for a ballot measure, question or
2 proposition or the recall of a public officer.

3 D. Notwithstanding any provision in the community documents, an
4 association shall not prohibit the use of cautionary signs regarding children
5 if the signs are used and displayed as follows:

6 1. The signs are displayed in residential areas only.

7 2. The signs are removed within one hour of children ceasing to play.

8 3. The signs are displayed only when children are actually present
9 within fifty feet of the sign.

10 4. The temporary signs are no taller than three feet in height.

11 5. The signs are professionally manufactured or produced.

12 E. Notwithstanding any provision in the community documents, an
13 association shall not prohibit children who reside in the planned community
14 from engaging in recreational activity on residential roadways that are under
15 the jurisdiction of the association and on which the posted speed limit is
16 twenty-five miles per hour or less.

17 F. Notwithstanding any provision in the community documents, an
18 association shall not prohibit the indoor or outdoor display of a for sale
19 sign and a sign rider by an association member on that member's property,
20 including a sign that indicates the member is offering the property for sale
21 by owner. The size of a sign offering a property for sale shall be in
22 conformance with the industry standard size sign, which shall not exceed
23 eighteen by twenty-four inches, and the industry standard size sign rider,
24 which shall not exceed six by twenty-four inches.

25 G. Notwithstanding any provision in the community documents, an
26 association shall not prohibit but may reasonably regulate the circulation of
27 political petitions, including candidate nomination petitions or petitions in
28 support of or opposition to an initiative, referendum or recall or other
29 political issue on property dedicated to the public within the association.
30 A planned community is not required to comply with this ~~section~~ SUBSECTION if
31 the planned community restricts vehicular or pedestrian access to the planned
32 community. Nothing in this ~~section~~ SUBSECTION requires a planned community
33 to make its common elements available for the circulation of political
34 petitions to anyone who is not an owner or resident of the community.

35 H. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS, AN
36 ASSOCIATION SHALL PROVIDE FOR REASONABLE HEIGHTS AND DIMENSIONS FOR
37 ACCOMMODATION OF AMATEUR RADIO STATION EMERGENCY SERVICE COMMUNICATIONS
38 ANTENNAE AND STRUCTURES.