

REFERENCE TITLE: amateur radio; structures; accommodation

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SB 1277

Introduced by
Senator Shooter

AN ACT

AMENDING SECTIONS 9-462.01, 11-811 AND 33-1808, ARIZONA REVISED STATUTES;
RELATING TO AMATEUR RADIO 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, **MAY**:

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~~ **THAT** may be occupied by a building
14 or structure, access to incident solar energy and the intensity of land use.
15 **THE ORDINANCE SHALL PROVIDE FOR REASONABLE HEIGHTS AND DIMENSIONS FOR**
16 **ACCOMMODATION OF AMATEUR RADIO STATION EMERGENCY SERVICE COMMUNICATIONS**
17 **ANTENNAE AND 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~~ **THAT**
40 meets 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~~ ON 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 11-817.

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 ~~THAT~~ modify regulations in another zoning district with which the overlay
33 zoning district is combined. Overlay zoning districts and regulations shall
34 be adopted pursuant to section 9-462.04.

35 E. The legislative body may approve a change of zone conditioned ~~upon~~
36 ~~ON~~ a schedule for development of the specific use or uses for which rezoning
37 is 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 11-811, Arizona Revised Statutes, is amended to read:
12 11-811. Zoning ordinance; zoning districts; definitions

13 A. Pursuant to this article, the board of supervisors may adopt a
14 zoning ordinance in order to conserve and promote the public health, safety,
15 convenience and general welfare. The zoning ordinance and all rezonings and
16 zoning regulations amendments adopted under this article shall be consistent
17 with and conform to the adopted comprehensive plan. In addition to the other
18 matters that are required or authorized under this section and article 1 of
19 this chapter, the zoning ordinance:

20 1. Shall show the zoning districts designated as appropriate for
21 various classes of residential, business and industrial uses and shall
22 provide for the establishment of setback lines and other plans providing for
23 adequate light, air and parking facilities and for expediting traffic within
24 the districts.

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

27 3. Shall consider access to incident solar energy.

28 4. May provide for retirement community zoning districts.

29 5. May provide for the regulation and use of business licenses, adult
30 oriented business manager permits and adult service provider permits in
31 conjunction with the establishment or operation of adult oriented businesses
32 and facilities, including adult arcades, adult bookstores or video stores,
33 cabarets, adult live entertainment establishments, adult motion picture
34 theaters, adult theaters, massage establishments and nude model studios.
35 With respect to cabarets, the ordinance shall not conflict with specific
36 statutory or valid regulatory requirements applicable to persons licensed to
37 dispense alcoholic beverages, but the ordinance may include regulation of the
38 age and conduct of erotic entertainers in a manner at least as restrictive as
39 rules adopted under title 4. Notwithstanding section 11-812, a county in
40 regulating or licensing businesses and facilities pursuant to this paragraph
41 may impose reasonable operating requirements that affect the existing uses of
42 businesses and facilities.

43 6. Shall designate and zone appropriate areas of reasonable size in
44 which there may be established with reasonable permanency canneries,
45 fertilizer plants, refineries, commercial ~~feed-lots~~ FEEDLOTS, meat packing

1 plants, tallow works and other like businesses. A dairy operation, including
2 areas designated for the raising of replacement heifers or bulls owned by the
3 same dairy operation, is not subject to this paragraph, and is a general
4 agricultural purpose under subsection C, paragraph 2 of this section and
5 section 11-812, subsection A, paragraph 2. A replacement heifer or bull
6 raising operation of a dairy that is not on contiguous property of the dairy
7 is subject to this paragraph unless the operation begins within one-quarter
8 mile of the dairy.

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

12 B. To carry out the purposes of this article, the board may adopt
13 overlay zoning districts and regulations applicable to particular buildings,
14 structures and land within individual zones. For the purposes of this
15 subsection, "overlay zoning district" means a special zoning district that
16 includes regulations that modify regulations in another zoning district with
17 which the overlay zoning district is combined. Overlay zoning districts and
18 regulations shall be adopted pursuant to section 11-813. The provisions of
19 overlay zoning shall apply retroactively to authorize overlay zoning
20 districts and regulations adopted before April 20, 1993.

21 C. This section does not authorize:

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

24 2. The regulation or restriction of the use or occupation of land or
25 improvements for railroad, mining, metallurgical, grazing or general
26 agricultural purposes, if the tract concerned is five or more contiguous
27 commercial acres.

28 D. For the purposes of this section:

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

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

38 (a) Books, magazines, periodicals or other printed matter,
39 photographs, films, motion pictures, videocassettes or reproductions or
40 slides or other visual representations that depict or describe specific
41 sexual activities or specific anatomical areas.

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

44 3. "Adult live entertainment establishment" means an establishment
45 that features either:

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

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

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

9 5. "Adult oriented business" means adult arcades, adult bookstores or
10 video stores, cabarets, adult live entertainment establishments, adult motion
11 picture theaters, adult theaters, massage establishments that offer adult
12 service or nude model studios.

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

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

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

23 9. "Adult theater" means a theater, concert hall, auditorium or
24 similar commercial establishment that predominantly features persons who
25 appear in a state of nudity or who engage in live performances that are
26 characterized by the exposure of specific anatomical areas or specific sexual
27 activities.

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

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

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

38 (a) Persons who are licensed pursuant to title 32, chapter 7, 8, 13,
39 14 or 17.

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

43 (c) Registered nurse practitioners who are licensed pursuant to title
44 32, chapter 15.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 Sec. 3. Section 33-1808, Arizona Revised Statutes, is amended to read:
6 33-1808. Flag display; political signs; caution signs; for
7 sale, rent or lease signs; political activities;
8 amateur radio accommodation

9 A. Notwithstanding any provision in the community documents, an
10 association shall not prohibit the outdoor front yard or backyard display of
11 any of the following:

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

17 2. The POW/MIA flag.

18 3. The Arizona state flag.

19 4. An Arizona Indian nations flag.

20 5. The Gadsden flag.

21 B. The association shall adopt reasonable rules and regulations
22 regarding the placement and manner of display of the American flag, the
23 military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian
24 nations flag. The association rules may regulate the location and size of
25 flagpoles, may limit the member to displaying no more than two flags at once
26 and may limit the height of the flagpole to no more than the height of the
27 rooftop of the member's home but shall not prohibit the installation of a
28 flagpole in the front yard or backyard of the member's property.

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 seventy-one days before the day of an election and later than three days
34 after 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 not limit the number of
41 political signs, except that the maximum aggregate total dimensions of all
42 political signs on a member's property shall not exceed nine square
43 feet. For the purposes of this subsection, "political sign" means a sign
44 that attempts to influence the outcome of an election, including supporting
45 or opposing the recall of a public officer or supporting or opposing the

1 circulation of a petition for a ballot measure, question or proposition or
2 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 or charge a fee for the use of, **THE** placement
19 of or the indoor or outdoor display of a for sale, for rent or for lease sign
20 and a sign rider by an association member on that member's property in any
21 combination, including a sign that indicates the member is offering the
22 property for sale by owner. The size of a sign offering a property for sale,
23 for rent or for lease shall be in conformance with the industry standard size
24 sign, which shall not exceed eighteen by twenty-four inches, and the industry
25 standard size sign rider, which shall not exceed six by twenty-four inches.
26 This subsection applies only to a commercially produced sign, and an
27 association may prohibit the use of signs that are not commercially produced.
28 With respect to real estate for sale, for rent or for lease in the planned
29 community, an association shall not prohibit in any way other than as is
30 specifically authorized by this section or otherwise regulate any of the
31 following:

32 1. Temporary open house signs or a member's for sale sign. The
33 association shall not require the use of particular signs indicating an open
34 house or real property for sale and may not further regulate the use of
35 temporary open house or for sale signs that are industry standard size and
36 that are owned or used by the seller or the seller's agent.

37 2. Open house hours. The association may not limit the hours for an
38 open house for real estate that is for sale in the planned community, except
39 that the association may prohibit an open house being held before 8:00 a.m.
40 or after 6:00 p.m. and may prohibit open house signs on the common areas of
41 the planned community.

42 3. An owner's or an owner's agent's for rent or for lease sign unless
43 an association's documents prohibit or restrict leasing of a member's
44 property. An association shall not further regulate a for rent or for lease
45 sign or require the use of a particular for rent or for lease sign other than

1 the for rent or for lease sign shall not be any larger than the industry
2 standard size sign of eighteen by twenty-four inches on or in the member's
3 property. If rental or leasing of a member's property is not prohibited or
4 restricted, the association may prohibit an open house for rental or leasing
5 being held before 8:00 a.m. or after 6:00 p.m.

6 G. Notwithstanding any provision in the community documents, an
7 association shall not prohibit door to door political activity, including
8 solicitations of support or opposition regarding candidates or ballot issues,
9 and shall not prohibit the circulation of political petitions, including
10 candidate nomination petitions or petitions in support of or opposition to an
11 initiative, referendum or recall or other political issue on property
12 normally open to visitors within the association, except that an association
13 may do the following:

14 1. Restrict or prohibit the door to door political activity from
15 sunset to sunrise.

16 2. Require the prominent display of an identification tag for each
17 person engaged in the activity, along with the prominent identification of
18 the candidate or ballot issue that is the subject of the support or
19 opposition.

20 H. A planned community shall not make any regulations regarding the
21 number of candidates supported, the number of public officers supported or
22 opposed in a recall or the number of propositions supported or opposed on a
23 political sign.

24 I. A planned community shall not require political signs to be
25 commercially produced or professionally manufactured or prohibit the
26 utilization of both sides of a political sign.

27 J. A planned community is not required to comply with subsection G OF
28 THIS SECTION if the planned community restricts vehicular or pedestrian
29 access to the planned community. Nothing in this section requires a planned
30 community to make its common elements other than roadways and sidewalks that
31 are normally open to visitors available for the circulation of political
32 petitions to anyone who is not an owner or resident of the community.

33 K. An association or managing agent that violates subsection F of this
34 section forfeits and extinguishes the lien rights authorized under section
35 33-1807 against that member's property for a period of six consecutive months
36 from the date of the violation.

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