

State of Arizona  
House of Representatives  
Forty-second Legislature  
Second Regular Session  
1996

**FILED**

Jane Dee Hull  
Secretary of State

CHAPTER 97

**HOUSE BILL 2181**

AN ACT

AMENDING SECTION 11-821, ARIZONA REVISED STATUTES; RELATING TO COUNTY PLAN AND ZONING.

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

2 Section 1. Section 11-821, Arizona Revised Statutes, is amended to  
3 read:

4 11-821. County plan; definitions

5 A. The commission shall formulate and adopt a comprehensive long-term  
6 county plan for the development of the area of jurisdiction. The county  
7 plan, with the accompanying maps, plats, charts and descriptive matter, shall  
8 show the commission's recommendations for the development of the area of  
9 jurisdiction together with the general zoning regulations. The county plan  
10 shall be made with the general purpose of guiding and accomplishing a  
11 coordinated, adjusted and harmonious development of the area of jurisdiction.  
12 In the preparation of the county plan the commission shall make surveys and  
13 studies of the present conditions and prospective future growth of the area  
14 of the jurisdiction.

15 B. The county plan shall provide for zoning, ~~and~~ shall show the zoning  
16 districts designated as appropriate for various classes of residential,  
17 business and industrial uses, and SHALL provide for the establishment of  
18 setback lines and other plans providing for adequate light, air and parking  
19 facilities, and for expediting traffic within the districts. The plan may  
20 establish the percentage of a lot or parcel which may be covered by  
21 buildings, and the size of yards, courts and other open spaces. The plan  
22 shall consider access to incident solar energy. The plan may provide for

1 retirement community zoning districts. THE PLAN MAY PROVIDE FOR THE USE OF  
2 BUSINESS LICENSES IN CONJUNCTION WITH THE ESTABLISHMENT OF ADULT ORIENTED  
3 FACILITIES, INCLUDING ADULT ARCADES, ADULT BOOKSTORES OR VIDEO STORES, ADULT  
4 LIVE ENTERTAINMENT ESTABLISHMENTS, ADULT MOTION PICTURE THEATERS, ADULT  
5 THEATERS, MASSAGE ESTABLISHMENTS AND NUDE MODEL STUDIOS.

6 C. To carry out the purposes of this article, the board may adopt  
7 overlay zoning districts and regulations applicable to particular buildings,  
8 structures and land within individual zones. For the purposes of this  
9 subsection, "overlay zoning district" means a special zoning district that  
10 includes regulations which modify regulations in another zoning district with  
11 which the overlay zoning district is combined. Overlay zoning districts and  
12 regulations shall be adopted pursuant to section 11-829. The provisions of  
13 overlay zoning shall apply retroactively to authorize overlay zoning  
14 districts and regulations adopted before ~~the effective date of this section~~  
15 APRIL 20, 1993.

16 D. FOR THE PURPOSES OF THIS SECTION:

17 1. "ADULT ARCADE" MEANS ANY PLACE TO WHICH THE PUBLIC IS PERMITTED OR  
18 INVITED AND IN WHICH COIN-OPERATED OR SLUG-OPERATED OR ELECTRONICALLY,  
19 ELECTRICALLY OR MECHANICALLY CONTROLLED STILL OR MOTION PICTURE MACHINES,  
20 PROJECTORS OR OTHER IMAGE PRODUCING DEVICES ARE MAINTAINED TO SHOW IMAGES  
21 INVOLVING SPECIFIC SEXUAL ACTIVITIES OR SPECIFIC ANATOMICAL AREAS TO PERSONS  
22 IN BOOTHS OR VIEWING ROOMS.

23 2. "ADULT BOOKSTORE OR VIDEO STORE" MEANS A COMMERCIAL ESTABLISHMENT  
24 THAT OFFERS FOR SALE OR RENT ANY OF THE FOLLOWING AS ONE OF ITS PRINCIPAL  
25 BUSINESS PURPOSES:

26 (a) BOOKS, MAGAZINES, PERIODICALS OR OTHER PRINTED MATTER,  
27 PHOTOGRAPHS, FILMS, MOTION PICTURES, VIDEOCASSETTES OR REPRODUCTIONS OR  
28 SLIDES OR OTHER VISUAL REPRESENTATIONS THAT DEPICT OR DESCRIBE SPECIFIC  
29 SEXUAL ACTIVITIES OR SPECIFIC ANATOMICAL AREAS.

30 (b) INSTRUMENTS, DEVICES OR PARAPHERNALIA THAT ARE DESIGNED FOR USE  
31 IN CONNECTION WITH SPECIFIC SEXUAL ACTIVITIES.

32 3. "ADULT LIVE ENTERTAINMENT ESTABLISHMENT" MEANS AN ESTABLISHMENT  
33 THAT FEATURES EITHER:

34 (a) PERSONS WHO APPEAR IN A STATE OF NUDITY.

35 (b) LIVE PERFORMANCES THAT ARE CHARACTERIZED BY THE EXPOSURE OF  
36 SPECIFIC ANATOMICAL AREAS OR SPECIFIC SEXUAL ACTIVITIES.

37 4. "ADULT MOTION PICTURE THEATER" MEANS A COMMERCIAL ESTABLISHMENT IN  
38 WHICH FOR ANY FORM OF CONSIDERATION FILMS, MOTION PICTURES, VIDEOCASSETTES,  
39 SLIDES OR OTHER SIMILAR PHOTOGRAPHIC REPRODUCTIONS THAT ARE CHARACTERIZED BY  
40 THE DEPICTION OR DESCRIPTION OF SPECIFIC SEXUAL ACTIVITIES OR SPECIFIC  
41 ANATOMICAL AREAS ARE PREDOMINANTLY SHOWN.

42 5. "ADULT THEATER" MEANS A THEATER, CONCERT HALL, AUDITORIUM OR  
43 SIMILAR COMMERCIAL ESTABLISHMENT THAT PREDOMINANTLY FEATURES PERSONS WHO  
44 APPEAR IN A STATE OF NUDITY OR WHO ENGAGE IN LIVE PERFORMANCES THAT ARE

1 CHARACTERIZED BY THE EXPOSURE OF SPECIFIC ANATOMICAL AREAS OR SPECIFIC SEXUAL  
2 ACTIVITIES.

3 6. "MASSAGE ESTABLISHMENT" MEANS AN ESTABLISHMENT IN WHICH A PERSON,  
4 FIRM, ASSOCIATION OR CORPORATION ENGAGES IN OR PERMITS MASSAGE ACTIVITIES,  
5 INCLUDING ANY METHOD OF PRESSURE ON, FRICTION AGAINST, STROKING, KNEADING,  
6 RUBBING, TAPPING, POUNDING, VIBRATING OR STIMULATING OF EXTERNAL SOFT PARTS  
7 OF THE BODY WITH THE HANDS OR WITH THE AID OF ANY MECHANICAL APPARATUS OR  
8 ELECTRICAL APPARATUS OR APPLIANCE. THIS PARAGRAPH DOES NOT APPLY TO:

9 (a) PHYSICIANS LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 8, 13, 14 OR  
10 17.

11 (b) REGISTERED NURSES, LICENSED PRACTICAL NURSES OR TECHNICIANS WHO  
12 ARE ACTING UNDER THE SUPERVISION OF A PHYSICIAN LICENSED PURSUANT TO TITLE  
13 32, CHAPTER 13 OR 17.

14 (c) PERSONS WHO ARE EMPLOYED OR ACTING AS TRAINEES FOR A BONA FIDE  
15 AMATEUR, SEMIPROFESSIONAL OR PROFESSIONAL ATHLETE OR ATHLETIC TEAM.

16 (d) PERSONS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 3 OR 5 IF  
17 THE ACTIVITY IS LIMITED TO THE HEAD, FACE OR NECK.

18 7. "NUDE MODEL STUDIO" MEANS A PLACE IN WHICH A PERSON WHO APPEARS IN  
19 A STATE OF NUDITY OR WHO DISPLAYS SPECIFIC ANATOMICAL AREAS IS OBSERVED,  
20 SKETCHED, DRAWN, PAINTED, SCULPTURED, PHOTOGRAPHED OR OTHERWISE DEPICTED BY  
21 OTHER PERSONS WHO PAY MONEY OR OTHER CONSIDERATION. NUDE MODEL STUDIO DOES  
22 NOT INCLUDE A PROPRIETARY SCHOOL THAT IS LICENSED BY THIS STATE, A COLLEGE,  
23 COMMUNITY COLLEGE OR UNIVERSITY THAT IS SUPPORTED ENTIRELY OR IN PART BY  
24 TAXATION, A PRIVATE COLLEGE OR UNIVERSITY THAT MAINTAINS AND OPERATES  
25 EDUCATIONAL PROGRAMS IN WHICH CREDITS ARE TRANSFERABLE TO A COLLEGE,  
26 COMMUNITY COLLEGE OR UNIVERSITY THAT IS SUPPORTED ENTIRELY OR IN PART BY  
27 TAXATION OR A STRUCTURE TO WHICH THE FOLLOWING APPLY:

28 (a) A SIGN IS NOT VISIBLE FROM THE EXTERIOR OF THE STRUCTURE AND NO  
29 OTHER ADVERTISING APPEARS INDICATING THAT A NUDE PERSON IS AVAILABLE FOR  
30 VIEWING.

31 (b) A STUDENT MUST ENROLL AT LEAST THREE DAYS IN ADVANCE OF A CLASS  
32 IN ORDER TO PARTICIPATE.

33 (c) NO MORE THAN ONE NUDE OR SEMINUDE MODEL IS ON THE PREMISES AT ANY  
34 TIME.

35 8. "NUDITY" OR "STATE OF NUDITY" MEANS:

36 (a) THE APPEARANCE OF A HUMAN ANUS, GENITALS OR FEMALE BREAST.

37 (b) A STATE OF DRESS THAT FAILS TO OPAQUELY COVER A HUMAN ANUS,  
38 GENITALS OR AREOLA OF THE FEMALE BREAST.

39 9. "SEMINUDE" MEANS A STATE OF DRESS IN WHICH CLOTHING COVERS NO MORE  
40 THAN THE GENITALS, PUBIC REGION AND AREOLA OF THE FEMALE BREAST, AS WELL AS  
41 PORTIONS OF THE BODY THAT ARE COVERED BY SUPPORTING STRAPS OR DEVICES.

42 10. "SPECIFIC ANATOMICAL AREAS" MEANS THE MALE GENITALS IN A STATE OF  
43 SEXUAL AROUSAL OR THE VULVA OR MORE INTIMATE PARTS OF THE FEMALE GENITALS.  
44 SPECIFIC ANATOMICAL AREAS MAY INCLUDE:

1 (a) HUMAN GENITALS, PUBIC REGION OR BREAST BELOW A POINT IMMEDIATELY  
2 ABOVE THE TOP OF THE AREOLA THAT IS LESS THAN COMPLETELY AND OPAQUELY  
3 COVERED.

4 (b) MALE GENITALS IN A DISCERNIBLY TURGID STATE EVEN IF COMPLETELY AND  
5 OPAQUELY COVERED.

6 11. "SPECIFIC SEXUAL ACTIVITIES" MEANS ANY OF THE FOLLOWING:

7 (a) HUMAN GENITALS IN A STATE OF SEXUAL STIMULATION OR AROUSAL.

8 (b) SEX ACTS, NORMAL OR PERVERTED, ACTUAL OR SIMULATED, INCLUDING ACTS  
9 OF HUMAN MASTURBATION, SEXUAL INTERCOURSE, ORAL COPULATION OR SODOMY.

10 (c) FONDLING OR OTHER EROTIC TOUCHING OF THE HUMAN GENITALS, PUBIC  
11 REGION, BUTTOCKS, ANUS OR FEMALE BREAST.

12 (d) EXCRETORY FUNCTIONS AS PART OF OR IN CONNECTION WITH ANY OF THE  
13 ACTIVITIES UNDER SUBDIVISION (a), (b) OR (c) OF THIS PARAGRAPH.

APPROVED BY THE GOVERNOR APRIL 5, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 8, 1996