



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
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House: COM DP 8-1-1-0

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## **HB 2570: planning; home design; restrictions; prohibition**

**Sponsor: Representative Biasiucci, LD 30**

**Caucus & COW**

### **Overview**

Creates municipal prohibitions relating to home designs and single-family home lot sizes.

### **History**

Pursuant to [A.R.S. § 9-462.01](#), the legislative body of any municipality by ordinance, to conserve and promote the public health, safety and general welfare, may:

- 1) regulate the use of buildings, structures and land between agriculture residence, industry and business;
- 2) regulate the location, height, bulk, number of stories and size of buildings and structures, the size and use of lots, yards, courts and other open spaces, the percentage of a lot that may be occupied by a building or structure, access to incident solar energy and the intensity of land use;
- 3) establish requirements for off-street parking and loading;
- 4) establish and maintain building setback lines; and
- 5) establish floodplain and age-specific community zoning districts and districts of historical significance.

A municipal planning agency cannot require as part of a subdivision regulation or zoning ordinance that a subdivider or developer establish an association. A subdivider or developer cannot be penalized because a real estate subdivision or development does not include a planned community. A municipality may require a subdivider or developer to establish an association to maintain private, common or community owned improvements that are approved and installed as part of a preliminary plat, final plat or specific plat. A municipality cannot require that an association be formed or operated other than for the maintenance of common areas or community owned property. ([A.R.S. § 9-461.15](#))

### **Provisions**

1. Prevents a municipality from interfering with a home buyer's right to choose the home design features, amenities, structure, floor plan and interior and exterior design. (Sec. 1)
2. Prohibits a municipality from requiring:
  - a) a homeowners' association, condominium association or any other association;
  - b) a shared feature or amenity that would require a homeowners' association, condominium association or any other association to maintain or operate the feature or amenity, unless necessary for stormwater management;
  - c) screening, walls or fences; or
  - d) private streets or roads. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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3. Stipulates property owners may voluntarily form or establish a homeowners' association, condominium association or any other association. (Sec. 1)
4. Asserts the planning and home design prohibitions do not supersede applicable building codes, fire codes or public health and safety regulations. (Sec. 1)
5. Prohibits a municipality that is designated in whole or in part as an urban area with a population of more than 50,000 persons from adopting or enforcing any code, ordinance, regulation or other requirement establishing:
  - a) maximum or minimum lot sizes on which a single-family home may be located;
  - b) minimum square footage or dimensions for a single-family home;
  - c) maximum or minimum lot coverage for single-family home and any accessory structures;
  - d) minimum building setbacks greater than five feet for a single-family home; or
  - e) design, architectural or aesthetic elements for a single-family home. (Sec. 1)
6. Asserts the prohibitions relating to lot sizes and setbacks do not supersede applicable building codes, fire codes or public health safety regulations. (Sec. 1)
7. Cites this Act as the *Arizona Starter Homes Act*. (Sec. 2)