

REFERENCE TITLE: municipalities; starter homes developments; regulation.

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1698

Introduced by
Senator Leach

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-461.19; REPEALING SECTION 9-461.19, ARIZONA REVISED
STATUTES; RELATING TO MUNICIPAL PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, chapter 4, article 6, Arizona Revised Statutes,
3 is amended by adding section 9-461.19, to read:

4 9-461.19. Municipalities; starter homes; development;
5 restrictions; applicability; definitions

6 A. BEGINNING JANUARY 1, 2027, A MUNICIPALITY WITH A POPULATION OF
7 MORE THAN THIRTY THOUSAND PERSONS SHALL ADOPT ZONING REGULATIONS THAT
8 ALLOW FOR THE DEVELOPMENT OF STARTER HOMES IN AT LEAST TEN PERCENT OF ANY
9 NEW SINGLE-FAMILY RESIDENTIAL DEVELOPMENTS THAT ARE LARGER THAN TEN
10 CONTIGUOUS ACRES. A MUNICIPALITY MAY NOT REQUIRE ANY OF THE FOLLOWING:

11 1. A MINIMUM LOT SIZE THAT IS FOUR THOUSAND SQUARE FEET OR MORE IN
12 SIZE.

13 2. A MINIMUM FRONT SETBACK THAT IS TWENTY FEET OR MORE IN SIZE.

14 3. A MINIMUM REAR SETBACK THAT IS TEN FEET OR MORE IN SIZE.

15 4. SIDE SETBACKS THAT HAVE A COMBINED TOTAL OF FIFTEEN FEET OR MORE
16 IN SIZE, EXCEPT AS NECESSARY TO COMPLY WITH PUBLIC HEALTH AND SAFETY
17 STANDARDS.

18 5. REAR YARD PATIOS.

19 6. REAR YARD LANDSCAPING, NOT INCLUDING STORMWATER DRAINAGE
20 REQUIREMENTS AND WATER CONSERVATION REQUIREMENTS.

21 7. APPROVAL OF THE INTERIOR FLOORPLAN EXCEPT FOR THE PURPOSE OF
22 ENSURING COMPLIANCE WITH ALL APPLICABLE BUILDING CODES AND FIRE CODES.

23 B. THIS SECTION DOES NOT APPLY TO LAND THAT IS ANY OF THE
24 FOLLOWING:

25 1. AN AREA THAT IS DESIGNATED AS A DISTRICT OF HISTORICAL
26 SIGNIFICANCE PURSUANT TO SECTION 9-462.01, SUBSECTION A, PARAGRAPH 10.

27 2. AN AREA THAT IS DESIGNATED AS HISTORIC BY A MUNICIPALITY.

28 3. AN AREA THAT IS DESIGNATED AS HISTORIC ON THE NATIONAL REGISTER
29 OF HISTORIC PLACES.

30 4. IN THE VICINITY OF A MILITARY AIRPORT OR ANCILLARY MILITARY
31 FACILITY AS DEFINED IN SECTION 28-8461.

32 5. IN THE VICINITY OF A FEDERAL AVIATION ADMINISTRATION
33 COMMERCIALY LICENSED AIRPORT OR A GENERAL AVIATION OR PUBLIC AIRPORT AS
34 DEFINED IN SECTION 28-8486.

35 6. A MASTER PLANNED COMMUNITY OR PLANNED AREA DEVELOPMENT THAT HAS
36 BEEN APPROVED BY ORDINANCE BEFORE THE EFFECTIVE DATE OF THIS SECTION.

37 7. HAS BEEN DESIGNATED FOR THE PRESERVATION OF NATURAL LAND
38 FEATURES.

39 C. THIS SECTION DOES NOT PROHIBIT A MUNICIPALITY FROM REQUIRING
40 EITHER OF THE FOLLOWING:

41 1. THE SUBMISSION OF SITE PLANS AND PLATS.

42 2. THE DEVELOPER TO PROVIDE ADEQUATE INFRASTRUCTURE AND WATER
43 SERVICE FOR THE ENTIRE PROPOSED DEVELOPMENT.

44 D. THIS SECTION DOES NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
45 CODES AND PUBLIC HEALTH AND SAFETY REGULATIONS.

1 E. FOR THE PURPOSES OF THIS SECTION:

2 1. "BUILDING CODE" HAS THE SAME MEANING PRESCRIBED IN SECTION
3 9-1301.

4 2. "NEW SINGLE-FAMILY RESIDENTIAL DEVELOPMENT" MEANS A PROPOSED
5 DEVELOPMENT OF DETACHED SINGLE-FAMILY HOMES ON MORE THAN TEN CONTIGUOUS
6 ACRES OF LAND WITHIN AREAS ZONED AS SINGLE-FAMILY RESIDENTIAL.

7 3. "STARTER HOME" MEANS A SINGLE-FAMILY DETACHED HOME FOR WHICH THE
8 MUNICIPALITY REQUIRES A DEED RESTRICTION THAT EITHER:

9 (a) LIMITS THE INITIAL SALE OF THE STARTER HOME TO AN AMOUNT THAT
10 DOES NOT EXCEED ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN HOUSEHOLD
11 INCOME SET FORTH BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
12 DEVELOPMENT.

13 (b) LIMITS OCCUPANCY OF THE STARTER HOME FOR UP TO FIFTEEN YEARS TO
14 A PERSON OR PERSONS WHOSE HOUSEHOLD INCOME DOES NOT EXCEED ONE HUNDRED
15 TWENTY PERCENT OF THE AREA MEDIAN HOUSEHOLD INCOME SET FORTH BY THE UNITED
16 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

17 Sec. 2. Delayed repeal

18 Section 9-461.19, Arizona Revised Statutes, as added by this act, is
19 repealed from and after December 31, 2035.