



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

House: COM DP 8-2-0-0

HB 2371: planning; home design; restrictions; prohibition

Sponsor: Representative Biasiucci, LD 30

Caucus & COW

Overview

Prescribes municipal restrictions relating to home design and development standards for single-family homes.

History

Current statute requires each municipality's planning agency and governing body to prepare and adopt, in coordination with the Arizona State Land Department, a comprehensive, long-range general plan for the development of the municipality. The general plan must include a statement of community goals and development policies, including maps and plan proposals ([A.R.S. § 9-461.05](#)).

A municipal planning agency cannot require as part of a subdivision regulation or zoning ordinance that a subdivider or developer establish an association. 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 plan. 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](#))

Municipalities, in order to conserve and promote the public health, safety and general welfare, may adopt zoning ordinances that: 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.R.S. § 9-462.01](#)).

Provisions

Home Design

1. Prohibits a municipality from interfering with a home buyer's right to choose the features, amenities, structure, floor plan and interior and exterior design of a home. (Sec. 1)
2. Prohibits a municipality from requiring:
 - a) a shared feature or amenity that would require certain associations to maintain or operate the feature or amenity, unless required by federal law;
 - b) screening, walls or fences; and

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
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- c) private streets or roads. (Sec. 1)
- 3. Specifies the home design provisions:
 - a) do not supersede applicable building codes, fire codes or public health and safety regulations;
 - b) do not apply to lots or parcels that are located on tribal land, land in a high noise or accident potential zone of a military airport or ancillary military facility; and
 - c) apply to developments constructed after the effective date. (Sec. 1)

Home Size

- 4. Prohibits municipalities from adopting or enforcing any code, ordinance, regulation or other requirement establishing:
 - a) minimum lot sizes that are greater than 1,500 square feet for new developments that are 5 or more acres in size and that will be platted and located in an area zoned for single-family residential;
 - b) minimum square footage or dimensions for a single-family home that are greater than the minimum square footage or dimensions the municipality requires for any other type of dwelling unit;
 - c) maximum or minimum lot coverage for a single-family home and any accessory structures;
 - d) minimum building setbacks for a single-family home that are greater than 5 feet from the side lot lines and 10 feet from the front and rear lot lines; and
 - e) design, architectural or aesthetic elements for a single-family home except for a single-family home on land that is designated as a district of historical significance or an area that is designated as historic on the national register of historic places. (Sec. 1)
- 5. Allows a municipality to enforce adopted minimum lot sizes greater than 1,500 square feet where multiple lots smaller than 5 acres with existing dwelling units are aggregated together. (Sec. 1)
- 6. Specifies the home size provisions:
 - a) do not supersede applicable building codes, fire codes, minimum parking requirements or public health and safety regulations;
 - b) do not apply to lots or parcels that are located on tribal land, land in a high noise or accident potential zone of a military airport or ancillary military facility; and
 - c) apply to developments constructed after the effective date in a municipality with a population of more than 70,000 persons that is designed as an urban area or in a municipality that is located on tribal land. (Sec. 1)
- 7. Defines *fire code* and *fire code official*. (Sec. 1)

Miscellaneous

- 8. Includes language relating to Legislative findings and determinations regarding housing shortages, municipal restrictive regulations, property rights and preemption of further regulating a property owner's right to use their property. (Sec. 1)
- 9. Cites this act as the *Arizona Starter Homes Act*. (Sec. 2)