



ARIZONA STATE SENATE

Fifty-Seventh Legislature, First Regular Session

FACT SHEET FOR S.B. 1229

planning; home design; restrictions; prohibition.

Purpose

Prescribes certain restrictions on municipalities relating to home design and minimum development standards for single-family homes.

Background

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](#)).

After a municipality has adopted a general plan, or plan amendment, the planning agency must investigate and make recommendations to the governing body for putting into effect the general plan so that it will serve as a pattern and guide for the orderly growth and development of the municipality. The measures recommended may include plans, regulations, financial reports and capital budgets ([A.R.S. § 9-461.07](#)). The planning agency may, and if so directed by the governing body must, prepare specific plans based on the general plan and drafts of such regulations, programs and legislation as may be required for the systematic execution of the general plan, including zoning ordinances and subdivision regulations ([A.R.S. § 9-461.08](#)). The planning agency of a municipality must not require as part of a subdivision regulation or zoning ordinance that a subdivider or developer establish an association. A municipality may require the establishment of 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 must not require that an association be formed or operated other than for the maintenance of the common areas or community owned property ([A.R.S. § 9-461.15](#)).

Statute authorizes municipalities to adopt zoning ordinances and codes to conserve and promote the public health, safety, convenience and general welfare and outlines zoning guidelines and requirements ([A.R.S. § 9-462.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

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.

2. Prohibits a municipality from requiring:
 - a) 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 required by federal law;
 - b) screening, walls or fences; or
 - c) private streets or roads.
3. Specifies that the home design standards:
 - 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, on 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.

Single-Family Home Development

4. Prohibits a municipality from adopting or enforcing any code, ordinance, regulation, standard, stipulation or other legal requirement establishing directly or indirectly:
 - a) minimum lot sizes that are greater than 1,500 square feet for new developments that are five or more acres in size 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 more than the minimum square footage or dimensions the municipality requires for any other type of dwelling unit as of the effective date;
 - 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.
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.
6. Excludes, from the design, architectural or aesthetic element prohibition, areas that are designated as:
 - a) a district of historic significance in accordance with statute; or
 - b) historic on the National Register of Historic Places.
7. Specifies that the single-family home design standards:
 - 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, on 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 designated, in whole or in part, as an urban area by the U.S. Census Bureau or in a municipality located on tribal land.

Miscellaneous

8. Declares that the Legislature finds and determines that:
 - a) the citizens of Arizona continue to experience the significant detrimental effects of a severe crisis due to the shortage of available housing;
 - b) it has become virtually impossible for many Arizonans to achieve the American dream of owning their own home;
 - c) the statewide housing crisis is caused in no small part due to highly restrictive regulations imposed by municipalities;
 - d) property rights are a fundamental element of individual rights and personal freedom in accordance with the Arizona Constitution; and
 - e) a property owner's right to use their property, protected from unreasonable abridgment by municipal regulation and enforcement, is a matter of statewide concern and is not subject to further regulation by a municipality.
9. Defines *fire code* as a set of standards and regulations that are adopted and enforced by the municipality's fire code official in compliance with state law and that are related to fire prevention and protection systems for a single-family home.
10. Defines *fire code official* as the municipal fire chief or other designated authority charged with the administration and enforcement of the fire code or a duly authorized representative.
11. Designates this legislation as the *Arizona Starter Homes Act*.
12. Becomes effective on the general effective date.

Prepared by Senate Research

January 31, 2025

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