



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

House: COM DP 8-1-1-0 | 3rd Read 33-26-0-0-1

HB 2570: planning; home design; restrictions; prohibition (Substituted for SB 1112)

Sponsor: Representative Biasiucci, LD 30
Vetoed

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

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|----------------------------------------------|----------------------------------------------|-----------------------------------------------|--------------------------------------|
| <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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- d) private streets or roads. (Sec. 1)
- 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. Applies the municipal prohibitions relating to planning and home design prospectively to constructed developments. (Sec. 1)
- 6. 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 five or more acres in size and that will be platted and located in an area zoned for single-family homes;
 - b) minimum square footage or dimensions for a single-family home;
 - 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 five feet from the side lot lines and ten feet from the front and rear lot lines; or
 - e) design, architectural or aesthetic elements for a single-family home except for a single-family home within an area that is designated as a district of historical significance or as a historic on the national register of historic places. (Sec. 1)
- 7. Asserts the prohibitions relating to lot sizes and setbacks do not supersede applicable building codes, fire codes or public health safety regulations. (Sec. 1)
- 8. Applies the prohibitions relating to lot sizes and setbacks prospectively to constructed developments in a municipality with a population of more than 70,000 persons that is designated as an urban area or in a municipality that is located on tribal land. (Sec. 1)
- 9. Includes language relating to Legislative findings and determinations regarding housing shortage and property rights. (Sec. 1)
- 10. Preempts a property owner's right to use the owner's property from further regulation by a municipality. (Sec. 1)
- 11. Cites this Act as the *Arizona Starter Homes Act*. (Sec. 2)