

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB23-213 be amended as follows:

1 Amend reengrossed bill, page 78, before line 3 insert:

2 "PART 3

3 CORRIDORS AND CENTERS REQUIREMENTS

4 **29-22-301. Legislative declaration.** (1) (a) THE GENERAL
5 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

6 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT DENSER
7 MULTIFAMILY HOUSING DEVELOPMENT NEAR FREQUENT TRANSIT SERVICE
8 AND IN COMMERCIAL AND INSTITUTIONAL AREAS;

9 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

10 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
11 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
12 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
13 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
14 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
15 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
16 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
17 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
18 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
19 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
20 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
21 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
22 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

23 (IV) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE
24 THAN SINGLE-UNIT DWELLINGS, AND LIVING NEAR TRANSIT, JOBS, AND
25 SERVICES ENABLES HOUSEHOLDS TO SAVE ON TRANSPORTATION COSTS BY
26 OWNING FEWER VEHICLES. IN 2019, COLORADO MULTIFAMILY UNITS COST
27 BETWEEN FOURTEEN AND FORTY-THREE PERCENT LESS TO RENT,
28 DEPENDING ON THE SIZE OF THE BUILDING, COMPARED TO SINGLE-UNIT
29 DETACHED DWELLINGS, ACCORDING TO THE AMERICAN COMMUNITY
30 SURVEY.

31 (V) THE TERNER CENTER FOR HOUSING INNOVATION AT THE
32 UNIVERSITY OF CALIFORNIA BERKELEY FOUND IN ITS REPORT
33 "RESIDENTIAL REDEVELOPMENT OF COMMERCIAL ZONED LAND IN
34 CALIFORNIA" THAT THERE IS A SIGNIFICANT POTENTIAL FOR RESIDENTIAL
35 DEVELOPMENT IN COMMERCIAL ZONED AREAS, THAT MANY
36 COMMERCIAL ZONE DISTRICTS DO NOT ALLOW RESIDENTIAL
37 DEVELOPMENT, AND THAT ALLOWING USE BY RIGHT RESIDENTIAL
38 DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS CAN ENCOURAGE
39 ADDITIONAL HOUSING SUPPLY;

40 (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS

1 IN ITS REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING
2 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE
3 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER
4 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE
5 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW
6 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT
7 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND
8 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL
9 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

10 (VII) ACCORDING TO THE NOTRE DAME LAW SCHOOL, IN THE
11 ARTICLE "SHELLS OF THE STORES THEY ONCE WERE: RETURNING VACANT
12 RETAIL PROPERTY TO PRODUCTIVE USE IN THE MIDST OF THE RETAIL
13 APOCALYPSE", UNITED STATES RETAILERS HAVE BEEN CLOSING BRICK
14 AND MORTAR LOCATIONS IN LARGE NUMBERS SINCE AT LEAST 2017,
15 LEAVING BEHIND VACANT COMMERCIAL BUILDINGS AND PROPERTIES THAT
16 POSE PROBLEMS FOR PUBLIC HEALTH AND SAFETY, REDUCE LOCAL TAX
17 REVENUE, AND LEAD TO THE FLIGHT OF OTHER RETAIL BUSINESSES.
18 VACANT COMMERCIAL PROPERTIES PROVIDE OPPORTUNITIES FOR
19 RESIDENTIAL AND MIXED-USE REDEVELOPMENT, BOTH THROUGH
20 ADAPTIVE REUSE OF EXISTING BUILDINGS, AND THROUGH NEW
21 DEVELOPMENT, AND, ACCORDING TO THE LOCAL GOVERNMENT
22 COMMISSION IN COOPERATION WITH THE UNITED STATES
23 ENVIRONMENTAL PROTECTION AGENCY, IN THE JOINT REPORT "CREATING
24 GREAT NEIGHBORHOODS: DENSITY IN YOUR COMMUNITY", INCREASED
25 RESIDENTIAL DENSITY IS ASSOCIATED WITH THE ECONOMIC SUCCESS OF
26 NEARBY BUSINESSES AND CONTRIBUTES TO THE REVITALIZATION OF
27 NEIGHBORHOODS.

28 (VIII) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
29 DEVELOPMENT CLOSE TO JOBS, SERVICES, AND TRANSIT DECREASES THE
30 NEED FOR NEW DISPERSED, LOW-DENSITY HOUSING. RELATIVE TO
31 DISPERSED, LOW-DENSITY DEVELOPMENT, COMPACT INFILL HOUSING
32 DEVELOPMENT, INCLUDING MULTIFAMILY HOUSING DEVELOPMENT,
33 REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE
34 COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS.

35 (IX) HOUSING WITH ACCESS TO FREQUENT TRANSIT ALLOWS
36 RESIDENTS TO TRAVEL TO WORK AND SERVICES WITHOUT DRIVING OR
37 WHILE DRIVING LESS, WHICH REDUCES HOUSEHOLD TRANSPORTATION
38 COSTS, GREENHOUSE GAS EMISSIONS, AND AIR POLLUTION. ANALYSES OF
39 TRANSIT-ORIENTED DEVELOPMENTS HAVE FOUND RESIDENTS TAKE AN
40 AVERAGE OF FORTY-FOUR PERCENT FEWER VEHICLE TRIPS, ACCORDING TO
41 THE ARTICLE "VEHICLE TRIP REDUCTION IMPACTS OF TRANSIT-ORIENTED
42 HOUSING" IN THE JOURNAL OF PUBLIC TRANSPORTATION. AND,
43 ACCORDING TO THE CALIFORNIA AIR RESOURCES BOARD REPORTS

1 "IMPACT OF JOBS-HOUSING BALANCE ON PASSENGER VEHICLE USE AND
2 GREENHOUSE GAS EMISSIONS" AND "IMPACTS OF LAND-USE MIX ON
3 PASSENGER VEHICLE USE AND GREENHOUSE GAS EMISSIONS",
4 CO-LOCATING RESIDENCES, JOBS, AND SERVICES ALSO REDUCES
5 HOUSEHOLD VEHICLE MILES TRAVELED.

6 (X) MULTIFAMILY HOUSING USES SIGNIFICANTLY LESS ENERGY FOR
7 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
8 DWELLINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED WALLS
9 AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
10 GREENHOUSE GAS EMISSIONS. IN COLORADO, HOUSEHOLD ENERGY
11 DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY
12 HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING
13 TO THE NATIONAL RENEWABLE ENERGY LABORATORY REStock
14 ANALYSIS TOOL.

15 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
16 INCREASED HOUSING SUPPLY IN TRANSIT-ORIENTED AREAS AND KEY
17 CORRIDORS IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

18 **29-33-302. Applicability - transit-oriented areas model code -**
19 **transit-oriented areas minimum standards - adoption of model code**
20 **or minimum standards - definitions. (1) Definitions.** AS USED IN THIS
21 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

22 (a) "ELIGIBLE PARCEL" MEANS A PARCEL THAT IS NOT:

23 (I) A STANDARD EXEMPT PARCEL;

24 (II) PART OF A PARCEL THAT INCLUDES LAND THAT IS A PARK AND
25 OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);

26 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;

27 OR

28 (IV) ON A SITE THAT IS:

29 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;

30 (B) CURRENTLY ALLOWS INDUSTRIAL USES;

31 (C) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
32 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;

33 (D) OWNED BY, USED AS, OR OPERATED BY AN AIRPORT; OR

34 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN
35 SECTION 38-12-201.5 (6).

36 (b) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS FOR
37 TRANSIT-ORIENTED AREAS ESTABLISHED IN SUBSECTION (4) OF THIS
38 SECTION.

39 (c) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY
40 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET
41 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF
42 THE AREA MEDIAN INCOME.

43 (d) "MODEL CODE" MEANS THE TRANSIT-ORIENTED AREAS MODEL

1 CODE PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT
2 TO SUBSECTION (3) OF THIS SECTION.

3 (e) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
4 MUNICIPALITY OR COUNTY THAT CONTAINS A TRANSIT-ORIENTED AREA.

5 (2) **Applicability.** (a) THE REQUIREMENTS OF THIS SECTION ONLY
6 APPLY TO AN ELIGIBLE PARCEL IN A TRANSIT-ORIENTED AREA IN A SUBJECT
7 JURISDICTION.

8 (b) IF A TRANSIT-ORIENTED AREA IS LOCATED WITHIN MULTIPLE
9 JURISDICTIONS, A SUBJECT JURISDICTION NEED ONLY MEET THE
10 REQUIREMENTS OF THIS SECTION IN THE PARTS OF A TRANSIT-ORIENTED
11 AREA LOCATED WITHIN THE SUBJECT JURISDICTION.

12 (c) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO
13 PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTION
14 29-33-303 ALSO APPLY, THE REQUIREMENTS OF THIS SECTION SHALL
15 SUPERSEDE ANY CONFLICTING REQUIREMENTS OF PART 2 OF THIS ARTICLE
16 33 OR SECTION 29-33-303.

17 (3) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE
18 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
19 PROMULGATE A TRANSIT-ORIENTED AREA MODEL CODE.

20 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
21 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
22 OF LOCAL AFFAIRS ON THE TRANSIT-ORIENTED AREA MODEL CODE
23 PURSUANT TO SECTION 29-33-305.

24 (b) AT A MINIMUM, THE MODEL CODE MUST INCLUDE:

25 (I) A REQUIREMENT THAT SUBJECT JURISDICTIONS MAY NOT
26 REQUIRE NEW OFF-STREET PARKING WITHIN TRANSIT-ORIENTED AREAS FOR
27 ANY USES IN CONJUNCTION WITH A MIXED-INCOME MULTIFAMILY HOUSING
28 DEVELOPMENT;

29 (II) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
30 MIXED-USE DEVELOPMENT WITH COMMERCIAL USES ON THE FIRST FLOOR
31 IN CONJUNCTION WITH MIXED-INCOME MULTIFAMILY HOUSING WITH A NET
32 DENSITY OF UP TO AT LEAST SIXTY UNITS PER ACRE; AND

33 (III) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
34 MIXED-INCOME MULTIFAMILY HOUSING OF UP TO AT LEAST SIXTY UNITS
35 PER ACRE NET DENSITY AS A USE BY RIGHT ON ELIGIBLE PARCELS IN
36 TRANSIT-ORIENTED AREAS.

37 (c) NOTHING IN THIS MODEL CODE SHALL PREVENT A SUBJECT
38 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
39 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
40 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT
41 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE
42 THAT APPLIES IN TRANSIT-ORIENTED AREAS.

43 (d) REGULATED AFFORDABLE HOUSING UNITS IN MIXED-INCOME

1 MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR IN SIZE TO THE
2 OTHER UNITS IN THE DEVELOPMENT.

3 (4) **Minimum standards.** (a) (I) NOTWITHSTANDING ANY LOCAL
4 LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT
5 THE MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT WITHIN
6 EACH TRANSIT-ORIENTED IN WHICH MULTIFAMILY HOUSING IS ALLOWED
7 AS A USE BY RIGHT AND A MINIMUM AVERAGE NET DENSITY OF UP TO AT
8 LEAST FORTY UNITS OF MULTIFAMILY HOUSING PER ACRE IS ALLOWED.
9 SUBJECT JURISDICTIONS MAY ESTABLISH SUBDISTRICTS WITHIN THESE
10 ZONING DISTRICTS THAT ALLOW A DIFFERENT NET DENSITY OF
11 MULTIFAMILY HOUSING DEVELOPMENT SO LONG AS EACH DISTRICT OR
12 SUBDISTRICT ALLOWS AN AVERAGE NET DENSITY OF MULTIFAMILY
13 HOUSING OF UP TO AT LEAST FORTY UNITS PER ACRE. THE MINIMUM AREA
14 OF THE ZONING DISTRICT OR SUBDISTRICT MUST IN TOTAL BE GREATER
15 THAN OR EQUAL TO FIFTY PERCENT OF THE AREA OF ELIGIBLE PARCELS IN
16 EACH TRANSIT-ORIENTED AREA IN A SUBJECT JURISDICTION. A SUBJECT
17 JURISDICTION MAY CHOOSE TO INCLUDE PARCELS THAT WOULD OTHERWISE
18 NOT QUALIFY AS ELIGIBLE PARCELS WHEN CALCULATING THE AREA OF
19 ELIGIBLE PARCELS IN EACH TRANSIT-ORIENTED AREA IN A SUBJECT
20 JURISDICTION. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL LAWS
21 IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT MEET
22 THE MINIMUM STANDARDS NEED NOT UPDATE THEIR LOCAL LAWS AND
23 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS
24 DEMONSTRATING SUCH COMPLIANCE.

25 (II) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
26 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
27 MEET THE AVERAGE NET DENSITY ESTABLISHED IN THE MINIMUM
28 STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A ZONING DISTRICT
29 COVERING AREAS OUTSIDE OF TRANSIT-ORIENTED AREAS SO LONG AS
30 THE ZONING DISTRICT IS AT LEAST THE SAME SIZE AS THE ELIGIBLE
31 PARCELS IN THE TRANSIT-ORIENTED AREA IF:

32 (A) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

33 (B) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
34 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS, OR UTILIZES
35 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF
36 A TRANSIT-ORIENTED AREA SUCH AS WALKING DISTANCE FROM TRANSIT
37 STATIONS. IN DETERMINING THE LOCATION OF ZONING DISTRICTS FOR
38 TRANSIT-ORIENTED AREAS, A SUBJECT JURISDICTION SHALL CONSIDER THE
39 DISPLACEMENT ASSESSMENT COMPLETED PURSUANT TO SECTION
40 29-33-107.

41 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
42 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
43 NOT REQUIRE NEW OFF-STREET VEHICLE PARKING WITHIN

1 TRANSIT-ORIENTED AREAS FOR ANY USE IN CONJUNCTION WITH A
2 MULTIFAMILY HOUSING DEVELOPMENT PERMIT.

3 (c) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
4 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
5 ONLY ADOPT AND ENFORCE LOCAL LAWS CONCERNING MULTIFAMILY
6 HOUSING IN TRANSIT-ORIENTED AREAS THAT USE OBJECTIVE STANDARDS
7 AND OBJECTIVE PROCEDURES.

8 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
9 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
10 CODE ESTABLISHED PURSUANT TO THIS SECTION, UTILIZING A PUBLIC
11 HEARING AND COMMENT PROCESS.

12 **(5) Adoption of model code or minimum standards.** (a) (I) No
13 LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL:

14 (A) ADOPT LOCAL LAWS CONCERNING TRANSIT-ORIENTED AREAS
15 THAT SATISFY THE MINIMUM STANDARDS; OR

16 (B) ADOPT THE MODEL CODE.

17 (b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
18 REQUIREMENTS OF SUBSECTION (5)(a)(I) OF THIS SECTION BEFORE
19 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
20 FOR ALL ELIGIBLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT
21 DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MIXED-INCOME
22 MULTIFAMILY HOUSING PROJECT ON AN ELIGIBLE PARCEL ON A BASIS THAT
23 IS INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SUBSECTION (3)
24 OF THIS SECTION, UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES
25 THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH
26 THE MINIMUM STANDARDS.

27 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
28 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
29 PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, THE DECISIONS OF THE
30 SUBJECT JURISDICTION SHALL BE CONSISTENT WITH THE MODEL CODE AND
31 THE SUBJECT JURISDICTION SHALL:

32 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
33 MIXED-INCOME MULTIFAMILY HOUSING PROJECT SATISFIES THE MODEL
34 CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT
35 SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE
36 THE PROJECT; AND

37 (II) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
38 CONTRAVENE THE MODEL CODE.

39 **(6) Subject jurisdiction restrictions.** NOTHING IN THIS PART 3,
40 THE MODEL CODE, OR THE MINIMUM STANDARDS PREVENTS A LOCAL
41 GOVERNMENT FROM:

42 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
43 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.

1 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
2 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

3 (b) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
4 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN
5 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE
6 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF
7 PART 2 OF ARTICLE 20 OF TITLE 29;

8 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN
9 TRANSIT-ORIENTED AREAS IN ACCORDANCE WITH THE REQUIREMENTS OF
10 SECTION 29-20-104 (1)(e.5) AND (1)(e.7) AND SUBJECT TO PART 2 OF
11 ARTICLE 20 OF TITLE 29;

12 (d) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
13 HOUSING IN TRANSIT-ORIENTED AREAS;

14 (e) PERMITTING MIXED-USE DEVELOPMENT IN A
15 TRANSIT-ORIENTED AREA;

16 (f) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A
17 TRANSIT-ORIENTED AREA; OR

18 (g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
19 DISTRICT TO A PARCEL IN A TRANSIT-ORIENTED AREA ON WHICH HOUSING
20 IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
21 DEMOLITION.

22 **29-33-303. Applicability - key corridors model code - key**
23 **corridors minimum standards - adoption of model code or minimum**
24 **standards - definitions. (1) Definitions.** AS USED IN THIS SECTION,
25 UNLESS THE CONTEXT OTHERWISE REQUIRES:

26 (a) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING PARCELS
27 DESCRIBED IN SECTION 29-33-303 (2)(b) ON WHICH COMMERCIAL,
28 INSTITUTIONAL, RESIDENTIAL, OR MIXED USES ARE PERMITTED USES BY
29 RIGHT.

30 (b) "KEY CORRIDORS" MEANS THE AREAS DESCRIBED IN SECTION
31 29-33-303 (2)(a).

32 (c) "MINIMUM STANDARDS" MEANS THE KEY CORRIDOR MINIMUM
33 STANDARDS ESTABLISHED IN SUBSECTION (5) OF THIS SECTION.

34 (d) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY
35 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET
36 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF
37 THE AREA MEDIAN INCOME.

38 (e) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE
39 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO
40 SUBSECTION (4) OF THIS SECTION.

41 (f) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
42 MUNICIPALITY.

43 (2) **Applicability.** (a) ELIGIBLE PARCELS IN THE FOLLOWING AREAS

1 SHALL BE INCLUDED WITHIN KEY CORRIDOR AREAS:

2 (I) AREAS WITHIN ONE-HALF MILE OF A BUS STOP ON A LIMITED

3 ACCESS HIGHWAY SERVED BY AN EXISTING OR PLANNED COMMUTER BUS

4 RAPID TRANSIT SERVICE; AND

5 (II) AREAS WITHIN ONE-QUARTER MILE OF A:

6 (A) BUS STOP NOT ON A LIMITED ACCESS HIGHWAY SERVED BY AN

7 EXISTING OR PLANNED COMMUTER BUS RAPID TRANSIT SERVICE;

8 (B) ROADWAY SERVED BY AN EXISTING OR PLANNED URBAN BUS

9 RAPID TRANSIT SERVICE;

10 (C) ROADWAY SERVED BY A BUS ROUTE THAT IS SCHEDULED TO

11 RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY

12 SERVICE HOURS, AND THAT IS AT LEAST ONE MILE LONG; AND

13 (D) BUS STOP SERVED BY A BUS ROUTE THAT IS SCHEDULED TO

14 RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY

15 SERVICE HOURS, IS AT LEAST ONE MILE LONG, AND THAT RUNS ON A

16 LIMITED ACCESS HIGHWAY.

17 (b) KEY CORRIDORS SHALL BE DESIGNATED BASED ON:

18 (I) EXISTING TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2023;

19 (II) AN URBAN BUS RAPID TRANSIT SERVICE OR COMMUTER BUS

20 RAPID TRANSIT SERVICE THAT IS IDENTIFIED WITHIN A METROPOLITAN

21 PLANNING ORGANIZATION'S LONG RANGE TRANSPORTATION PLAN

22 ADOPTED PRIOR TO JANUARY 1, 2023, AND PLANNED FOR COMPLETION ON

23 OR BEFORE DECEMBER 31, 2030; EXCEPT THAT, THE MULTI-AGENCY

24 ADVISORY COMMITTEE MAY DETERMINE THAT A SPECIFIC SEGMENT OF

25 SUCH A SERVICE ROUTE SHOULD NOT BE DESIGNATED AS A KEY CORRIDOR

26 BASED ON STRATEGIC GROWTH OBJECTIVES AND MAY REMOVE SUCH

27 SEGMENT OF A SERVICE ROUTE FROM KEY CORRIDOR DESIGNATION ON OR

28 BEFORE JANUARY 1, 2024; AND

29 (III) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY THE

30 BOARD OF A TRANSIT AGENCY AS OF JANUARY 1, 2023, FOR

31 IMPLEMENTATION BEFORE JANUARY 1, 2028.

32 (3) (a) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR

33 THE MODEL CODE IS OTHERWISE IN EFFECT, THE MODEL CODE SHALL APPLY

34 TO ALL ELIGIBLE PARCELS.

35 (b) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL

36 LAWS ADOPTED PURSUANT TO THIS SECTION ONLY APPLY TO PARCELS

37 THAT ARE NOT:

38 (I) A STANDARD EXEMPT PARCEL;

39 (II) THE PORTION OF A PARCEL THAT INCLUDES LAND THAT IS A

40 PARK AND OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);

41 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;

42 OR

43 (IV) ON A SITE THAT IS:

1 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;
2 (B) CURRENTLY ALLOWS INDUSTRIAL USES;
3 (C) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
4 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;
5 (D) OWNED BY, USED BY, OR OPERATED BY AN AIRPORT; OR
6 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN
7 SECTION 38-12-201.5 (6).
8 (4) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE
9 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
10 PROMULGATE A KEY CORRIDOR MODEL CODE.
11 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
12 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
13 OF LOCAL AFFAIRS ON THE MODEL CODE PURSUANT TO SECTION 29-33-305.
14 (b) AT A MINIMUM, THE MODEL CODE MUST INCLUDE:
15 (I) A REQUIREMENT THAT A SUBJECT JURISDICTION ALLOW
16 MIXED-INCOME MULTIFAMILY HOUSING AS A USE BY RIGHT IN KEY
17 CORRIDORS WITH DENSITIES UP TO AT LEAST:
18 (A) FORTY DWELLING UNITS PER ACRE NET DENSITY ON ELIGIBLE
19 PARCELS IN KEY CORRIDORS DUE TO THEIR PROXIMITY TO COMMUTER BUS
20 RAPID TRANSIT SERVICE OR URBAN BUS RAPID TRANSIT SERVICE; AND
21 (B) THIRTY DWELLING UNITS PER ACRE NET DENSITY FOR ALL
22 OTHER ELIGIBLE PARCELS.
23 (II) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
24 MIXED-USE DEVELOPMENT WITH COMMERCIAL USES ON THE FIRST FLOOR
25 IN CONJUNCTION WITH MIXED-INCOME MULTIFAMILY HOUSING.
26 (c) NOTHING IN THIS MODEL CODE SHALL PREVENT A SUBJECT
27 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
28 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
29 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT
30 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE
31 THAT APPLIES IN KEY CORRIDOR AREAS.
32 (d) REGULATED AFFORDABLE HOUSING UNITS WITHIN
33 MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR
34 IN SIZE TO THE OTHER UNITS IN THE DEVELOPMENT.
35 (e) THE MODEL CODE MUST NOT ALLOW MINIMUM OFF-STREET
36 VEHICLE PARKING REQUIREMENTS IN CONNECTION WITH THE
37 CONSTRUCTION OR PERMITTING OF MIXED-INCOME MULTIFAMILY HOUSING
38 IN KEY CORRIDORS THAT ARE GREATER THAN ONE-HALF OF A VEHICLE
39 PARKING SPACE PER DWELLING UNIT, WHICH MAY BE ROUNDED UP IN THE
40 CASE OF AN ODD NUMBER OF DWELLING UNITS.
41 (5) **Minimum standards.** (a) NOTWITHSTANDING ANY LOCAL LAW
42 TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT THE
43 MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT OR DISTRICTS

1 WITHIN KEY CORRIDORS IN WHICH MULTIFAMILY HOUSING IS ALLOWED AS
2 A USE BY RIGHT. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL
3 LAWS IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT
4 MEET THE MINIMUM STANDARDS NEED NOT UPDATE LOCAL LAWS, AND
5 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS
6 DEMONSTRATING SUCH COMPLIANCE.

7 (b) (I) THE MINIMUM AREA OF THE ZONING DISTRICT OR DISTRICTS
8 REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION AND ALLOWED BY
9 SUBSECTION (5)(d) OF THIS SECTION MUST IN TOTAL BE GREATER THAN OR
10 EQUAL TO THE GREATER OF:

11 (A) TWENTY-FIVE PERCENT OF THE AREA OF ELIGIBLE PARCELS IN
12 KEY CORRIDORS IN THE SUBJECT JURISDICTION; OR

13 (B) TEN PERCENT OF THE TOTAL AREA OF ELIGIBLE PARCELS IN THE
14 SUBJECT JURISDICTION.

15 (II) A SUBJECT JURISDICTION MAY CHOOSE TO INCLUDE PARCELS
16 THAT ARE NOT ELIGIBLE PARCELS IN THE CALCULATION OF THE AREA OF
17 ELIGIBLE PARCELS IN KEY CORRIDORS IN THE SUBJECT JURISDICTION.

18 (c) WITHIN THE ZONING DISTRICT OR DISTRICTS REQUIRED BY
19 SUBSECTION (5)(a) OF THIS SECTION, A SUBJECT JURISDICTION SHALL
20 ALLOW MULTIFAMILY HOUSING AS A USE BY RIGHT AT AN AVERAGE NET
21 DENSITY OF UP TO AT LEAST TWENTY-FIVE DWELLING UNITS PER ACRE.

22 (d) A SUBJECT JURISDICTION MAY ESTABLISH MULTIPLE ZONING
23 DISTRICTS THAT ALLOW DIFFERENT NET DENSITIES OF MULTIFAMILY
24 HOUSING IF THE AVERAGE NET DENSITY REQUIREMENT IN SUBSECTION
25 (5)(c) OF THIS SECTION IS MET ACROSS THE ZONING DISTRICT OR DISTRICTS
26 REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION. SUBJECT JURISDICTIONS
27 ARE ENCOURAGED TO LOCATE DISTRICTS IN CENTERS OR ALONG
28 CORRIDORS THAT ARE PLANNED FOR MIXED-USE, WALKABLE AREAS.

29 (e) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
30 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
31 MEET THE AVERAGE NET DENSITY REQUIREMENTS ESTABLISHED IN THE
32 MINIMUM STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A
33 ZONING DISTRICT OR DISTRICTS COVERING AREAS OUTSIDE OF KEY
34 CORRIDORS IF THE ZONING DISTRICT OR DISTRICTS SATISFY THE AREA
35 REQUIREMENTS OF SUBSECTION (5)(b) OF THIS SECTION AND:

36 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

37 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
38 AREAS FOR TRANSIT-COMPATIBLE DEVELOPMENT, OR MIXED-USE,
39 WALKABLE CENTERS, IN OTHER STRATEGIC GROWTH AREAS, OR UTILIZES
40 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF
41 A KEY CORRIDOR SUCH AS WALKING DISTRICT FROM TRANSIT STATIONS. IN
42 DETERMINING THE LOCATION OF A ZONING DISTRICT FOR A KEY CORRIDOR,
43 A SUBJECT JURISDICTION SHALL CONSIDER THE DISPLACEMENT

1 ASSESSMENT THAT IS COMPLETED PURSUANT TO SECTION 29-33-107.

2 (f) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
3 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
4 NOT, IN THE ZONING DISTRICTS ESTABLISHED PURSUANT TO SUBSECTION
5 (5)(a) OF THIS SECTION, APPLY MINIMUM OFF-STREET VEHICLE PARKING
6 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING
7 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN
8 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
9 ROUNDED UP IN THE CASE OF AN ODD NUMBER OF DWELLING UNITS.

10 (g) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
11 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
12 ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING MULTIFAMILY
13 HOUSING IN KEY CORRIDORS THAT USE OBJECTIVE STANDARDS AND
14 OBJECTIVE PROCEDURES.

15 (h) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
16 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
17 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

18 **(6) Adoption of a model code and minimum standards.** (a) No
19 LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL:

20 (I) ADOPT LOCAL LAWS CONCERNING KEY CORRIDORS THAT
21 SATISFY THE MINIMUM STANDARDS; OR
22 (II) ADOPT THE MODEL CODE.

23 (b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
24 REQUIREMENTS OF SUBSECTION (6)(a) OF THIS SECTION BEFORE
25 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
26 FOR ALL ELIGIBLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT
27 DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MIXED-INCOME
28 MULTIFAMILY HOUSING PROJECT ON AN ELIGIBLE PARCEL ON A BASIS THAT
29 IS INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SUBSECTION (4)
30 OF THIS SECTION, UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES
31 THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH
32 THE MINIMUM STANDARDS.

33 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
34 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
35 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION, THE DECISIONS OF THE
36 SUBJECT JURISDICTION SHALL BE CONSISTENT WITH THE MODEL CODE AND
37 THE SUBJECT JURISDICTION SHALL:

38 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
39 MIXED-INCOME MULTIFAMILY HOUSING PROJECT SATISFIES THE MODEL
40 CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT
41 SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE
42 THE PROJECT; AND
43 (II) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT

1 CONTRAVENE THE MODEL CODE.

2 (7) **Subject jurisdiction restrictions.** (a) NOTHING IN THIS PART
3 3, THE MODEL CODE, OR THE MINIMUM STANDARDS PREVENTS A SUBJECT
4 JURISDICTION FROM:

5 (I) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
6 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
7 12101 ET SEQ., AS AMENDED, OR OTHERWISE PROVIDING PARKING SIGNED
8 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

9 (II) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
10 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN
11 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE
12 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF
13 PART 2 OF ARTICLE 20 OF TITLE 29;

14 (III) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN
15 KEY CORRIDORS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
16 29-20-104 (1)(e.5) AND (1)(e.7) AND SUBJECT TO PART 2 OF ARTICLE 20
17 OF TITLE 29;

18 (IV) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
19 HOUSING IN KEY CORRIDORS;

20 (V) PERMITTING MIXED-USE DEVELOPMENT IN A KEY CORRIDOR;

21 (VI) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY
22 CORRIDOR; OR

23 (VII) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
24 DISTRICT TO A PARCEL IN A KEY CORRIDOR ON WHICH HOUSING IS
25 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
26 DEMOLITION.

27 **29-33-304. Public comment and hearing process.** (1) IN
28 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
29 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
30 MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103
31 (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103
32 (8), AND THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION
33 29-33-103 (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING
34 PROCESS CONCERNING THE CREATION OF:

35 (a) A MODEL CODE FOR TRANSIT-ORIENTED AREAS PURSUANT TO
36 SECTION 29-33-302 (3)(a)(I); AND

37 (b) A KEY CORRIDOR MODEL CODE PURSUANT TO SECTION
38 29-33-303 (4)(a).

39 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
40 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON EACH
41 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

42 (a) PROVIDE PUBLIC NOTICE OF AND HOLD AT LEAST TWO PUBLIC
43 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO

1 COMMENT ON THE MODEL CODE;
2 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
3 MODEL CODE;
4 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
5 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND
6 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY
7 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,
8 PLANNING, ZONING, AND RELATED FIELDS.

9 **29-33-305. Exemption or extension.** (1) NO LATER THAN JUNE
10 30, 2024, A SUBJECT JURISDICTION MAY NOTIFY THE DEPARTMENT OF
11 LOCAL AFFAIRS THAT AN EXEMPTION OR AN EXTENSION IS NECESSARY
12 FROM THE REQUIREMENTS OF SECTION 29-33-302 (5) OR 29-33-303 (6).
13 (2) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
14 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
15 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
16 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
17 EXPECTS SUCH SERVICES TO BECOME DEFICIENT IN THE NEXT FIVE YEARS.
18 AS USED IN THIS SUBSECTION (2), "DEFICIENT" MEANS, IN REFERENCE TO
19 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
20 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
21 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
22 APPLICABLE, ISSUES CONCERNING:
23 (a) WATER SUPPLY;
24 (b) WASTEWATER TREATMENT CAPACITY;
25 (c) WATER DISTRIBUTION AND WASTEWATER COLLECTION
26 CAPACITY; OR
27 (d) STORMWATER MANAGEMENT CAPACITY.
28 (3) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
29 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (2) OF THIS
30 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
31 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
32 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
33 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
34 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN INCLUDED
35 IN THE NOTICE.
36 (4) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
37 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SECTION.
38 (5) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO
39 SUBJECT JURISDICTIONS WITH BOTH A POPULATION OF LESS THAN
40 TWENTY-FIVE THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME
41 OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS, IF THE SUBJECT
42 JURISDICTION SENDS A LETTER TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
43 A FORM AND MANNER DETERMINED BY THE DEPARTMENT, INDICATING

1 THAT THE SUBJECT JURISDICTION DOES NOT INTEND TO COMPLY WITH THIS
2 SECTION.

3 (6) (a) A SUBJECT JURISDICTION MAY PROPOSE ALTERNATIVE
4 DATES IN LIEU OF THE DEADLINES IN THIS PART 3 TO THE DEPARTMENT OF
5 LOCAL AFFAIRS FOR APPROVAL IF THE PROPOSAL DEMONSTRATES A PLAN
6 FOR AND PROGRESS TOWARDS ACHIEVING COMPLIANCE WITH THIS PART 3.
7 A SUBMITTED PROPOSAL FOR ALTERNATIVE DATES MUST INCLUDE:

8 (I) A DESCRIPTION OF WORK ALREADY UNDERWAY, IF ANY, TO
9 COMPLY WITH THE MINIMUM STANDARDS SET FORTH IN THIS PART 3; AND

10 (II) PROPOSED ALTERNATIVE DATES FOR COMPLIANCE WITH THE
11 MINIMUM STANDARDS SET FORTH IN THIS PART 3.

12 (b) THE DEPARTMENT OF LOCAL AFFAIRS MAY ISSUE GUIDANCE AS
13 NECESSARY TO IMPLEMENT THIS SUBSECTION (6).

14 **29-33-306. Report.** (1) (a) NO LATER THAN JUNE 30, 2025, A
15 SUBJECT JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL
16 AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT,
17 REPORTS DEMONSTRATING EVIDENCE OF COMPLIANCE WITH EITHER THE
18 MODEL CODES REQUIRED BY SECTIONS 29-33-302 (3) AND 29-33-303 (4)
19 OR THE MINIMUM STANDARDS SET FORTH IN SECTIONS 29-33-302 (4) AND
20 29-33-303 (5).

21 (b) WITHIN NINETY DAYS OF A RECEIVING A REPORT DESCRIBED IN
22 SUBSECTION (1) (a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
23 SHALL REVIEW AND APPROVED THE SUBMITTED REPORT OR REJECT THE
24 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE
25 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A SUBJECT JURISDICTION AN
26 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
27 LOCAL LAWS AND RESUBMIT A REPORT.

28 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
29 JURISDICTION'S REPORT, THE RELEVANT MODEL CODE GOES INTO EFFECT
30 IMMEDIATELY IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
31 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
32 ADOPTED LAWS THAT COMPLY WITH THE RELEVANT MINIMUM STANDARDS.

33 (2) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROVIDE TECHNICAL
34 ASSISTANCE OR FUNDING TO METROPOLITAN PLANNING ORGANIZATIONS
35 AND SUBJECT JURISDICTIONS TO ADOPT MINIMUM STANDARDS FOR
36 TRANSIT-ORIENTED AREAS AND KEY CORRIDORS THAT SUPPORT REGIONAL
37 PLANNING GOALS."

38 Page 78, line 7, strike "HOME" and substitute "HOMES".

39 Page 79, after line 2 insert:

40 "SECTION 5. In Colorado Revised Statutes, 24-67-105, add (5.5)

1 as follows:

2 **24-67-105. Standards and conditions for planned unit**
3 **development - definitions.** (5.5) (a) AS USED IN THIS SUBSECTION (5.5),
4 UNLESS THE CONTEXT OTHERWISE REQUIRES:

5 (1) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
6 FORTH IN SECTION 29-33-102 (2).

7 (2) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 29-33-303 (1) (b).

9 (3) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
10 FORTH IN SECTION 29-33-102 (41).

11 (b) A PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE
12 ADOPTED PURSUANT TO THIS ARTICLE 67, IF THE PLANNED UNIT
13 DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT RESTRICT THE
14 PERMITTING OF ACCESSORY DWELLING UNITS, HOUSING IN
15 TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY CORRIDORS IN THE
16 JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF TITLE 29 APPLIES IN
17 ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

18 (c) ANY PROVISION OF A PLANNED UNIT DEVELOPMENT APPROVED
19 PRIOR TO THE ADOPTION OF SUBSECTION (5.5)(a) OF THIS SECTION, AND
20 WHICH FAILS TO CONFORM TO THE REQUIREMENTS OF THAT SUBSECTION
21 (5.5)(a), SHALL BE DEEMED SUPERSEDED BY THE ADOPTION OF A LOCAL
22 LAW OR IMPLEMENTATION OF A MODEL CODE PURSUANT TO ARTICLE 33 OF
23 TITLE 29. NOTWITHSTANDING THIS SUBSECTION (5.5)(b), A LOCAL
24 GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH
25 PLANNED UNIT DEVELOPMENT."

26 Renumber succeeding sections accordingly.

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