

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

SB23-213 be amended as follows:

- 1 Amend printed bill, page 47, line 12, strike "STATE" and substitute  
2 "STATEWIDE".
- 3 Page 47, lines 23 and 24, strike "MUNICIPALITY, RURAL RESORT JOB  
4 CENTER MUNICIPALITY," and substitute "MUNICIPALITY".
- 5 Page 48, line 21, after "RIGHT" insert "AS AN ACCESSORY USE TO A  
6 SINGLE-UNIT DETACHED DWELLING".
- 7 Page 48, strike line 24 and substitute "RIGHT; AND".
- 8 Page 49, line 1, after "OFF-STREET" insert "VEHICLE".
- 9 Page 49, line 6, after "RIGHT" insert "AS AN ACCESSORY USE TO A  
10 SINGLE-UNIT DETACHED DWELLING".
- 11 Page 49, strike line 9 and substitute "RIGHT;".
- 12 Page 49, line 17, after "NONCONFORMANCE;" insert "AND".
- 13 Page 49, strike lines 18 through 24 and substitute:  
14 "(d) ALLOW ACCESSORY DWELLING UNIT SIZES BETWEEN FIVE  
15 HUNDRED AND EIGHT HUNDRED SQUARE FEET. SUBJECT JURISDICTIONS  
16 MAY ADDITIONALLY PERMIT SMALLER OR LARGER ACCESSORY DWELLING  
17 UNITS AT THEIR DISCRETION.".
- 18 Page 50, strike lines 1 through 6 and substitute:  
19 "(a) APPLY STANDARDS CONCERNING ARCHITECTURAL STYLE,  
20 BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE RESTRICTIVE  
21 THAN THE STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO A  
22 SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;".
- 23 Page 50, line 17, after "OFF-STREET" insert "VEHICLE".
- 24 Page 50, line 20, strike "GREATER THAN FIVE FEET".
- 25 Page 50, line 21, strike "UNIT," and substitute "UNIT GREATER THAN THE  
26 MINIMUM SIDE SETBACK REQUIRED FOR A SINGLE-UNIT DETACHED  
27 DWELLING OR THE SETBACK REQUIRED FOR OTHER ACCESSORY BUILDINGS

1 IN THE SAME ZONING DISTRICT,".

2 Page 51, line 9, strike "PARCELS," and substitute "PARCELS AND THE  
3 SUBJECT JURISDICTION SHALL NOT DENY OR CONDITION APPROVAL OF AN  
4 APPLICATION FOR AN ACCESSORY DWELLING UNIT ON ANY APPLICABLE  
5 PARCEL ON ANY BASIS THAT IS INCONSISTENT WITH THE MODEL CODE," and  
6 strike "29-33-303," and substitute "29-33-203,".

7 Page 51, line 10, after "JURISDICTION" insert "AND REMAINS IN EFFECT".

8 Page 51, line 15, after "SECTION," insert "THE SUBJECT JURISDICTION'S  
9 ACCESSORY DWELLING UNIT DECISIONS SHALL BE CONSISTENT WITH THE  
10 MODEL CODE AND".

11 Page 51 strike lines 22 through 27 and substitute:

12 "(4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION  
13 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR  
14 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION  
15 (1) OF THIS SECTION.

16 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,  
17 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN  
18 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE  
19 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION  
20 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED  
21 IN THIS SUBSECTION (4)(b)(I), "DEFICIENT" INCLUDES, IN REFERENCE TO  
22 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER  
23 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,  
24 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF  
25 APPLICABLE, ISSUES CONCERNING:

26 (I) WATER SUPPLY;  
27 (II) WASTEWATER TREATMENT CAPACITY;  
28 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION  
29 CAPACITY; OR  
30 (IV) STORMWATER MANAGEMENT CAPACITY.

31 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE  
32 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS  
33 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO  
34 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER  
35 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER  
36 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE  
37 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE  
38 NOTICE."

- 1 Reletter succeeding paragraph accordingly.
- 2 Page 52, strike lines 1 through 10.
- 3 Page 53, lines 3 and 4, strike "STANDARDS OR HAS ADOPTED THE MODEL  
4 CODE." and substitute "STANDARDS."
- 5 Page 53, line 9, strike "AMENDED;" and substitute "AMENDED, OR TO  
6 OTHERWISE PROVIDE PARKING SIGNED FOR USE BY PERSONS EXPERIENCING  
7 DISABILITIES;
- 8 (b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE  
9 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES IN  
10 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5 OR THE  
11 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF  
12 SECTION PART 2 OF ARTICLE 20 OF TITLE 29."
- 13 Reletter succeeding paragraphs accordingly.
- 14 Page 53, strike lines 15 and 16 and substitute:
- 15 "(e) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC  
16 DISTRICT TO A PARCEL ON WHICH AN ACCESSORY DWELLING UNIT IS  
17 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO  
18 DEMOLITION."

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