

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

SB23-213 be amended as follows:

1 Amend printed bill, page 53, strike lines 20 through 27 and substitute:

2 "PART 3

3 CORRIDORS AND CENTERS REQUIREMENTS

4 **29-33-301. 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 HOUSING POLICY DEBATE.

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

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

1 ADDITIONAL HOUSING SUPPLY;

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

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

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

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

1 ACCORDING TO THE CALIFORNIA AIR RESOURCES BOARD REPORTS
2 "IMPACT OF JOBS-HOUSING BALANCE ON PASSENGER VEHICLE USE AND
3 GREENHOUSE GAS EMISSIONS" AND "IMPACTS OF LAND-USE MIX ON
4 PASSENGER VEHICLE USE AND GREENHOUSE GAS EMISSIONS",
5 CO-LOCATING RESIDENCES, JOBS, AND SERVICES ALSO REDUCES
6 HOUSEHOLD VEHICLE MILES TRAVELED.

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

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

19 (2) (a) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES,
20 AND DECLARES THAT:

21 (I) LOCAL GOVERNMENT LAND USE DECISIONS OFTEN LIMIT MIDDLE
22 HOUSING DEVELOPMENT;

23 (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER
24 METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A
25 USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL
26 LAND, COMPARED TO ALLOWING TOWNHOMES, DUPLEXES, TRIPLEXES, AND
27 QUADPLEXES AS A USE BY RIGHT ON LESS THAN THIRTY-FIVE PERCENT OF
28 THEIR RESIDENTIAL LAND, ACCORDING TO PUBLICLY AVAILABLE ZONING
29 DATA;

30 (III) LOCAL LAND USE REGULATIONS INFLUENCE WHAT TYPES OF
31 HOUSING ARE BUILT;

32 (IV) BETWEEN 2000 AND 2019, OVER SEVENTY PERCENT OF HOMES
33 BUILT IN COLORADO WERE SINGLE-UNIT DETACHED DWELLINGS, WHILE
34 LESS THAN THREE PERCENT OF HOMES BUILT IN COLORADO DURING THAT
35 TIME WERE DUPLEXES TO QUADPLEXES, ACCORDING TO THE AMERICAN
36 COMMUNITY SURVEY;

37 (V) MIDDLE HOUSING IS TYPICALLY MORE AFFORDABLE THAN
38 SINGLE-UNIT DETACHED DWELLINGS, IN PART BECAUSE LAND COSTS ARE
39 SHARED BETWEEN MORE HOUSEHOLDS;

40 (VI) IN 2019, COLORADO DUPLEXES COST ON AVERAGE FOURTEEN
41 PERCENT LESS TO OWN AND TWENTY-SIX PERCENT LESS TO RENT THAN
42 SINGLE-UNIT DETACHED DWELLINGS, AND TRIPLEXES AND QUADPLEXES
43 COST THIRTY-ONE PERCENT LESS TO OWN AND TWENTY-NINE PERCENT

1 LESS TO RENT, ACCORDING TO THE AMERICAN COMMUNITY SURVEY;
2 (VII) MIDDLE HOUSING OFFERS A WAY TO PROVIDE COMPACT
3 RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS
4 WITH MINIMAL INFRASTRUCTURE IMPACT AND SUPPLY NEW HOUSING
5 WITHOUT ADDING NEW DISPERSED LOW DENSITY HOUSING;
6 (VIII) MIDDLE HOUSING USES SIGNIFICANTLY LESS ENERGY FOR
7 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
8 DWELLINGS DUE TO MIDDLE HOUSING HAVING ATTACHED WALLS AND
9 SMALLER UNIT SIZES, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
10 GREENHOUSE GAS EMISSIONS; AND
11 (IX) IN COLORADO, COMPARED TO SINGLE-UNIT DETACHED
12 DWELLINGS, HOUSEHOLD ENERGY DEMAND IS ON AVERAGE FORTY
13 PERCENT LESS FOR TOWNHOMES, FORTY-FIVE PERCENT LESS FOR
14 DUPLEXES, AND FIFTY-THREE PERCENT LESS FOR TRIPLEXES AND
15 QUADPLEXES, ACCORDING TO THE NATIONAL RENEWABLE ENERGY
16 LABORATORY RESStock ANALYSIS TOOL.
17 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
18 INCREASED SUPPLY OF HOUSING THROUGH MIDDLE HOUSING IS A MATTER
19 OF MIXED STATEWIDE AND LOCAL CONCERN.
20 **29-33-302. Applicability - transit-oriented areas model code**
21 **- transit-oriented areas minimum standards - adoption of model code**
22 **or minimum standards - definitions. (1) Definitions.** AS USED IN THIS
23 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
24 (a) "ELIGIBLE PARCEL" MEANS A PARCEL THAT IS NOT:
25 (I) A STANDARD EXEMPT PARCEL;
26 (II) PART OF A PARCEL THAT INCLUDES LAND THAT IS A PARK AND
27 OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);
28 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;
29 OR
30 (IV) ON OR A SITE THAT:
31 (A) IS CURRENTLY USED FOR AN INDUSTRIAL USE;
32 (B) CURRENTLY ALLOWS INDUSTRIAL USES;
33 (C) IS DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
34 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;
35 (D) IS OWNED BY, USED AS, OR OPERATED BY AN AIRPORT; OR
36 (E) IS CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN
37 SECTION 38-12-201.5 (6).
38 (b) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS FOR
39 TRANSIT-ORIENTED AREAS ESTABLISHED IN SUBSECTION(4) OF THIS
40 SECTION.
41 (c) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY
42 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET
43 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF

1 THE AREA MEDIAN INCOME. FOR THE PURPOSES OF THIS SUBSECTION (1)(c)
2 "MIXED-INCOME MULTIFAMILY HOUSING" MEANS A SUBJECT JURISDICTION
3 WITH A LOCAL INCLUSIONARY ZONING ORDINANCE THAT APPLIES IN KEY
4 CORRIDORS MAY APPLY SUCH AN ORDINANCE'S PROVISIONS, INCLUDING
5 AREA MEDIAN INCOME THRESHOLDS AND REQUIREMENTS FOR THE
6 PERCENTAGE OF UNITS THAT MUST BE SET ASIDE FOR HOUSEHOLDS BELOW
7 THAT AREA MEDIAN INCOME.

8 (d) "MODEL CODE" MEANS THE TRANSIT-ORIENTED AREAS MODEL
9 CODE PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT
10 TO SUBSECTION (3) OF THIS SECTION.

11 (e) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
12 MUNICIPALITY THAT CONTAINS A TRANSIT-ORIENTED AREA.

13 (2) **Applicability.** (a) THE REQUIREMENTS OF THIS SECTION ONLY
14 APPLY IN A TRANSIT-ORIENTED AREA IN A TIER ONE URBAN MUNICIPALITY.

15 (b) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
16 LAWS ADOPTED PURSUANT TO THIS SECTION ONLY APPLY TO ELIGIBLE
17 PARCELS THAT ALLOW COMMERCIAL, INSTITUTIONAL, MIXED USES,
18 MULTI-FAMILY HOUSING, OR OTHER NON-RESIDENTIAL USES AS PERMITTED
19 USES.

20 (c) IF A TRANSIT-ORIENTED AREA IS LOCATED WITHIN MULTIPLE
21 JURISDICTIONS, A SUBJECT JURISDICTION NEED ONLY MEET THE
22 REQUIREMENTS OF THIS SECTION IN THE PARTS OF A TRANSIT-ORIENTED
23 AREA LOCATED WITHIN THE SUBJECT JURISDICTION.

24 (d) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO
25 PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTIONS
26 29-33-303 AND 29-33-304 ALSO APPLY, THE REQUIREMENTS OF THIS
27 SECTION SHALL SUPERSEDE WHERE THERE IS CONFLICT WITH OTHER
28 RELEVANT SECTIONS OR PART 2.

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

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

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

37 (I) A REQUIREMENT THAT SUBJECT JURISDICTIONS MAY NOT
38 REQUIRE NEW OFF-STREET VEHICLE PARKING WITHIN TRANSIT-ORIENTED
39 AREAS FOR ANY USES IN CONJUNCTION WITH EITHER A MULTIFAMILY
40 DEVELOPMENT OR MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENT
41 PERMIT; AND

42 (III) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
43 MIXED-INCOME MULTIFAMILY HOUSING OF UP TO AT LEAST SIXTY UNITS

1 PER ACRE NET DENSITY AS A USE BY RIGHT IN TRANSIT-ORIENTED AREAS.

2 (c) NOTHING IN THE MODEL CODE SHALL PREVENT A SUBJECT
3 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
4 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
5 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT
6 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE
7 THAT APPLIES WITHIN TRANSIT-ORIENTED AREAS.

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

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

33 (A) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

34 (B) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
35 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS.

36 (III) IN SATISFYING THE MINIMUM AVERAGE NET DENSITY
37 REQUIREMENTS OF SUBSECTION (4)(a)(I) OF THIS SECTION, A SUBJECT
38 JURISDICTION SHALL NOT INCLUDE MIDDLE HOUSING AREAS AS
39 DETERMINED PURSUANT TO SECTION 29-33-304 (2)(b).

40 (b) (I) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
41 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
42 NOT:

43 (A) APPLY LOCAL LAWS THAT MAKE THE PERMITTING, SITING, OR

1 CONSTRUCTION OF MULTIFAMILY HOUSING IN A TRANSIT-ORIENTED AREA
2 PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT;
3 (B) ADOPT LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY
4 MAKE A DENSITY OF UP TO AT LEAST FORTY UNITS PER ACRE PHYSICALLY
5 IMPOSSIBLE OR PRACTICALLY DIFFICULT; OR
6 (C) REQUIRE NEW OFF-STREET VEHICLE PARKING WITHIN
7 TRANSIT-ORIENTED AREAS FOR ANY USES IN CONJUNCTION WITH A
8 MULTIFAMILY HOUSING DEVELOPMENT PERMIT.
9 (II) IN SATISFYING THE NET DENSITY REQUIREMENTS OF
10 SUBSECTIONS (4)(b)(I)(A) AND (4)(b)(I)(B) OF THIS SECTION, A SUBJECT
11 JURISDICTION SHALL NOT INCLUDE MIDDLE HOUSING AREAS AS
12 DETERMINED PURSUANT TO SECTION 29-33-304 (2)(b).
13 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
14 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
15 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.
16 (5) **Adoption of model code or minimum standards.** (a) (I) No
17 LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL EITHER:
18 (A) ADOPT LOCAL LAWS CONCERNING TRANSIT-ORIENTED AREAS
19 THAT SATISFY THE MINIMUM STANDARDS; OR
20 (B) ADOPT THE MODEL CODE.
21 (b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
22 REQUIREMENTS OF SUBSECTION (5)(a)(I) OF THIS SECTION BEFORE
23 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
24 FOR THE ELIGIBLE PARCELS, AND THE SUBJECT JURISDICTION SHALL NOT
25 DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MULTIFAMILY
26 HOUSING PROJECT ON ANY ELIGIBLE PARCEL ON ANY BASIS THAT IS
27 INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SUBSECTION (2) OF
28 THIS SECTION, IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
29 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
30 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.
31 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
32 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
33 PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, THE SUBJECT
34 JURISDICTION'S ACCESSORY DWELLING UNIT DECISIONS SHALL BE
35 CONSISTENT WITH THE MODEL CODE AND THE SUBJECT JURISDICTION
36 SHALL:
37 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
38 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
39 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
40 JURISDICTION SHALL APPROVE THE PROJECT; AND
41 (II) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
42 CONTRAVENE THE MODEL CODE.
43 (6) **Subject jurisdiction restrictions.** NOTHING IN THIS PART 3,

1 IN THE MODEL CODE, OR IN THE MINIMUM STANDARDS PREVENTS A LOCAL
2 GOVERNMENT FROM:

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

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

12 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN
13 TRANSIT-ORIENTED AREAS IN ACCORDANCE WITH THE REQUIREMENTS OF
14 SECTION 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE
15 20 OF TITLE 29;

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

18 (e) PERMITTING MIXED-USE DEVELOPMENT IN A
19 TRANSIT-ORIENTED AREA;

20 (f) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A
21 TRANSIT-ORIENTED AREA; OR

22 (g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
23 DISTRICT TO A PARCEL ON WHICH HOUSING IN A TRANSIT-ORIENTED AREA
24 IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO
25 DEMOLITION.

26 **29-33-303. Key corridors map - applicability - key corridors**
27 **model code - key corridors minimum standards - adoption of model**
28 **code or minimum standards - definitions. (1) Definitions.** AS USED IN
29 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

30 (a) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING THE PARCELS
31 IDENTIFIED IN SUBSECTION (3)(c) OF THIS SECTION THAT ALLOWS
32 COMMERCIAL, INSTITUTIONAL, MIXED USE, MULTI-FAMILY, OR OTHER
33 NON-RESIDENTIAL USES AS PERMITTED USES.

34 (b) "INDUSTRIAL USE" MEANS A BUSINESS USE OR ACTIVITY AT A
35 SCALE GREATER THAN HOME INDUSTRY INVOLVING MANUFACTURING,
36 FABRICATION, ASSEMBLY, WAREHOUSING, OR STORAGE.

37 (c) "MINIMUM STANDARDS" MEANS THE KEY CORRIDORS MINIMUM
38 STANDARDS ESTABLISHED IN SUBSECTION (5) OF THIS SECTION.

39 (d) "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. FOR THE PURPOSES OF THIS SUBSECTION
43 (1)(d), "MIXED-INCOME MULTIFAMILY HOUSING" MEANS A SUBJECT

1 JURISDICTION WITH A LOCAL INCLUSIONARY ZONING ORDINANCE THAT
2 APPLIES IN KEY CORRIDORS MAY APPLY ITS ORDINANCE'S PROVISIONS
3 INCLUDING AREA MEDIAN INCOME THRESHOLDS AND REQUIREMENTS FOR
4 THE PERCENTAGE OF UNITS THAT MUST BE SET ASIDE FOR HOUSEHOLDS
5 BELOW THAT AREA MEDIAN INCOME.

6 (e) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE
7 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO
8 SUBSECTION (4) OF THIS SECTION.

9 (f) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
10 MUNICIPALITY.

11 (2) **Key corridors map.** (a) (I) NO LATER THAN MARCH 31, 2024,
12 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION
13 SHALL CREATE A KEY CORRIDORS MAP THAT DESIGNATES KEY CORRIDORS.

14 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
15 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
16 OF TRANSPORTATION CONCERNING THE CREATION OF THE KEY CORRIDORS
17 MAP PURSUANT TO SECTION 29-33-305.

18 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
19 TRANSPORTATION SHALL INCLUDE THE FOLLOWING AREAS WITHIN TIER
20 ONE URBAN MUNICIPALITIES IN THE KEY CORRIDORS MAP:

21 (I) AREAS WITHIN ONE-HALF MILE OF A BUS STOP ON A LIMITED
22 ACCESS HIGHWAY SERVED BY AN EXISTING OR PLANNED COMMUTER BUS
23 RAPID TRANSIT SERVICE; AND

24 (II) AREAS WITHIN ONE-QUARTER MILE OF:

25 (A) A BUS STOP NOT ON A LIMITED ACCESS HIGHWAY SERVED BY
26 AN EXISTING OR PLANNED COMMUTER BUS RAPID TRANSIT SERVICE;

27 (B) A ROADWAY SERVED BY AN EXISTING OR PLANNED URBAN BUS
28 RAPID TRANSIT SERVICE;

29 (C) A ROADWAY SERVED BY A BUS ROUTE THAT IS SCHEDULED TO
30 RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY
31 SERVICE HOURS AND IS AT LEAST ONE MILE LONG; OR

32 (D) A BUS STOP SERVED BY A BUS ROUTE THAT IS SCHEDULED TO
33 RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY
34 SERVICE HOURS, IS AT LEAST ONE MILE LONG, AND THAT RUNS ON A
35 LIMITED ACCESS HIGHWAY.

36 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
37 TRANSPORTATION SHALL DESIGNATE AN AREA AS A KEY CORRIDOR BASED
38 ON:

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

40 (II) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY A
41 TRANSIT AGENCY'S BOARD AS OF JANUARY 1, 2023, FOR IMPLEMENTATION
42 BEFORE JANUARY 1, 2028; OR

43 (III) FUTURE TRANSIT SERVICE LEVELS, PLANNED AS OF JANUARY

1 1,2023, AS DESCRIBED IN FEDERALLY REQUIRED TRANSPORTATION PLANS.

2 (d) IN DESIGNATING KEY CORRIDORS, THE DEPARTMENT OF
3 TRANSPORTATION SHALL NOT RELY ON PLANNING DOCUMENTS ADOPTED
4 AFTER JANUARY 1, 2023.

5 (e) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO
6 PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTIONS
7 29-33-302 AND 29-33-304 ALSO APPLY, THE REQUIREMENTS OF THIS
8 SECTION SHALL SUPERSEDE WHERE THERE IS CONFLICT WITH OTHER
9 RELEVANT SECTIONS OR PART 2.

10 (3) **Applicability.** (a) IF A SUBJECT JURISDICTION ADOPTS THE
11 MODEL CODE, OR THE MODEL CODE IS OTHERWISE IN EFFECT, THE MODEL
12 CODE SHALL APPLY TO ALL ELIGIBLE PARCELS.

13 (b) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
14 LAWS ADOPTED PURSUANT TO THIS SECTION ONLY APPLY TO PARCELS
15 THAT ARE NOT:

16 (I) A STANDARD EXEMPT PARCEL;

17 (II) THE PORTION OF A PARCEL THAT INCLUDES LAND THAT IS A
18 PARK AND OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);

19 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;
20 OR

21 (IV) ON A SITE THAT:

22 (A) IS CURRENTLY USED FOR AN INDUSTRIAL USE;

23 (B) CURRENTLY ALLOWS INDUSTRIAL USES;

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

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

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

29 (c) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO A
30 TIER ONE URBAN MUNICIPALITY WITH BOTH A POPULATION OF LESS THAN
31 TWENTY-FIVE THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME
32 OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS, IF THE MUNICIPALITY
33 SENDS A LETTER TO THE DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND
34 MANNER DETERMINED BY THE DEPARTMENT, INDICATING THAT THE
35 MUNICIPALITY DOES NOT INTEND TO COMPLY WITH THIS SECTION.

36 (4) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE
37 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
38 PROMULGATE A KEY CORRIDOR MODEL CODE.

39 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
40 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
41 OF LOCAL AFFAIRS ON THE MODEL CODE PURSUANT TO SECTION 29-33-305.

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

43 (I) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW

1 MIXED-INCOME MULTIFAMILY HOUSING AS A USE BY RIGHT IN KEY
2 CORRIDORS WITH DENSITIES UP TO AT LEAST:

3 (A) FORTY DWELLING UNITS PER ACRE NET DENSITY IN AREAS
4 DESIGNATED IN A KEY CORRIDORS MAP DUE TO THEIR PROXIMITY TO
5 COMMUTER BUS RAPID TRANSIT SERVICE OR URBAN BUS RAPID TRANSIT
6 SERVICE; AND

7 (B) THIRTY DWELLING UNITS PER ACRE NET DENSITY FOR ALL
8 OTHER AREAS DESIGNATED AS A KEY CORRIDOR;

9 (c) AFFORDABLE UNITS WITHIN MIXED-INCOME MULTIFAMILY
10 HOUSING DEVELOPMENTS MUST BE OF A SIMILAR SIZE AS THE OTHER UNITS
11 IN THE DEVELOPMENT.

12 (d) THE MODEL CODE MUST NOT ALLOW MINIMUM PARKING
13 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING
14 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN
15 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
16 ROUNDED UP.

17 (5) **Minimum standards.** (a) NOTWITHSTANDING ANY LOCAL LAW
18 TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT THE
19 MODEL CODE SHALL CREATE A ZONING DISTRICT OR DISTRICTS WITHIN KEY
20 CORRIDORS IN WHICH MULTIFAMILY HOUSING IS ALLOWED AS A USE BY
21 RIGHT.

22 (b) (I) THE MINIMUM AREA OF THE ZONING DISTRICT OR DISTRICTS
23 REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION AND ALLOWED BY
24 SUBSECTION (5)(e) OF THIS SECTION MUST IN TOTAL BE GREATER THAN OR
25 EQUAL TO THE GREATER OF:

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

28 (B) TEN PERCENT OF THE TOTAL AREA OF ELIGIBLE PARCELS IN THE
29 SUBJECT JURISDICTION.

30 (II) A SUBJECT JURISDICTION MAY CHOOSE TO INCLUDE PARCELS
31 THAT ARE NOT ELIGIBLE PARCELS IN THE CALCULATION OF THE AREA OF
32 ELIGIBLE PARCELS IN KEY CORRIDORS IN THE SUBJECT JURISDICTION.

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

37 (II) IN SATISFYING THE NET DENSITY REQUIREMENTS OF
38 SUBSECTION (5)(c)(I) OF THIS SECTION, A SUBJECT JURISDICTION SHALL
39 NOT INCLUDE MIDDLE HOUSING AREAS AS DETERMINED PURSUANT TO
40 SECTION 39-22-304 (2)(b).

41 (d) SUBJECT JURISDICTIONS MAY ESTABLISH MULTIPLE ZONING
42 DISTRICTS THAT ALLOW DIFFERENT DENSITIES OF MULTIFAMILY HOUSING,
43 SO LONG AS THE AVERAGE NET DENSITY IS MET ACROSS ALL OF THE

1 ZONING DISTRICT OR DISTRICTS REQUIRED BY SUBSECTION (5)(a) OF THIS
2 SECTION IN THE SUBJECT JURISDICTION. SUBJECT JURISDICTIONS ARE
3 ENCOURAGED TO LOCATE DISTRICTS IN CENTERS OR ALONG CORRIDORS
4 THAT ARE PLANNED FOR MIXED-USE, WALKABLE AREAS.

5 (e) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
6 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
7 MEET THE AVERAGE NET DENSITY REQUIREMENTS ESTABLISHED IN THE
8 MINIMUM STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A
9 ZONING DISTRICT OR ZONING DISTRICTS COVERING AREAS OUTSIDE OF KEY
10 CORRIDORS, SO LONG AS THE ZONING DISTRICT OR ZONING DISTRICTS
11 SATISFY THE AREA REQUIREMENTS OF SUBSECTION (5)(b) OF THIS SECTION,
12 AND IF EITHER:

13 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR
14 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
15 AREAS FOR TRANSIT-COMPATIBLE USE IN OTHER AREAS.

16 (f) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
17 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
18 NOT, IN THE DISTRICTS IT ESTABLISHES PURSUANT TO SUBSECTION (5)(d)(I)
19 OF THIS SECTION:

20 (I) APPLY STANDARDS THAT MAKE THE PERMITTING, SITING, OR
21 CONSTRUCTION OF MULTIFAMILY HOUSING IN KEY CORRIDORS PHYSICALLY
22 IMPOSSIBLE OR PRACTICALLY DIFFICULT;

23 (II) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE
24 DENSITY REQUIREMENTS ESTABLISHED IN SUBSECTION (5)(c) OF THIS
25 SECTION PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT; OR

26 (III) APPLY MINIMUM OFF-STREET VEHICLE PARKING
27 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING
28 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN
29 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
30 ROUNDED UP.

31 (g) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
32 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
33 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

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

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

40 (I) ADOPT LOCAL LAWS CONCERNING KEY CORRIDORS THAT
41 SATISFY THE MINIMUM STANDARDS; OR

42 (II) ADOPT THE MODEL CODE.

43 (b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE

1 REQUIREMENTS OF SUBSECTION (6)(a) OF THIS SECTION BEFORE
2 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
3 FOR THE ELIGIBLE PARCELS IN THE SUBJECT JURISDICTION AND REMAINS IN
4 EFFECT UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE
5 SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH THE
6 MINIMUM STANDARDS AND THE SUBJECT JURISDICTION SHALL NOT DENY
7 OR CONDITION THE APPROVAL OF AN APPLICATION FOR A MULTIFAMILY
8 HOUSING PROJECT ON ANY ELIGIBLE PARCEL ON ANY BASIS THAT IS
9 INCONSISTENT WITH THE MODEL CODE.

10 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
11 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
12 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION, THE SUBJECT
13 JURISDICTION'S KEY CORRIDOR DECISIONS SHALL BE CONSISTENT WITH THE
14 MODEL CODE AND THE SUBJECT JURISDICTION SHALL:

15 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
16 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
17 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
18 JURISDICTION SHALL APPROVE THE PROJECT; AND

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

21 (7) **Subject jurisdiction restrictions.** (a) NOTHING IN THIS PART
22 PREVENTS A SUBJECT JURISDICTION FROM:

23 (I) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
24 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
25 12101 ET SEQ., AS AMENDED;

26 (II) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
27 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES IN
28 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5 OR THE
29 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF
30 SECTION PART 2 OF ARTICLE 20 OF TITLE 29;

31 (III) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN
32 KEY CORRIDORS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
33 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE 20 OF TITLE
34 29;

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

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

38 (VI) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY
39 CORRIDOR; OR

40 (VII) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
41 DISTRICT TO A PARCEL ON WHICH HOUSING IN KEY CORRIDORS IS ALLOWED
42 IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO DEMOLITION.

43 **29-33-304. Middle housing applicability - middle housing**

1 **model code - middle housing minimum standards - adoption of model**
2 **code or minimum standards - subject jurisdiction restrictions -**
3 **definitions. (1) Definitions.** AS USED IN THIS SECTION, UNLESS THE
4 CONTEXT OTHERWISE REQUIRES:
5 (a) "MIDDLE HOUSING AREA" MEANS THE AREA WITHIN A MIDDLE
6 HOUSING SUBJECT JURISDICTION THAT IS IDENTIFIED BY THE SUBJECT
7 JURISDICTION PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.
8 (b) "MINIMUM STANDARDS" MEANS THE MIDDLE HOUSING
9 MINIMUM STANDARDS ESTABLISHED IN SUBSECTION (4) OF THIS SECTION.
10 (c) "MODEL CODE" MEANS THE MIDDLE HOUSING MODEL CODE
11 PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
12 LOCAL AFFAIRS PURSUANT TO SUBSECTION (3) OF THIS SECTION.
13 (2) **Applicability.** (a) (I) THE REQUIREMENTS OF THIS SECTION
14 SHALL ONLY APPLY IN TIER ONE URBAN MUNICIPALITIES.
15 (II) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO A
16 TIER ONE URBAN MUNICIPALITY WITH BOTH A POPULATION OF LESS THAN
17 TWENTY-FIVE THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME
18 OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS, IF THE MUNICIPALITY
19 SENDS A LETTER TO THE DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND
20 MANNER DETERMINED BY THE DEPARTMENT, INDICATING THAT THE
21 MUNICIPALITY DOES NOT INTEND TO COMPLY WITH THIS SECTION.
22 (b) (I) A TIER ONE URBAN MUNICIPALITY THAT ADOPTS LOCAL
23 LAWS THAT SATISFY THE MINIMUM STANDARDS SHALL CREATE ZONING
24 DISTRICTS THAT CONSTITUTE A MIDDLE HOUSING AREA. THE TOTAL AREA
25 OF THE ZONING DISTRICTS WITHIN THE APPLICABLE HOUSING AREA MUST
26 BE EQUAL TO OR GREATER THAN THE GREATER OF:
27 (A) THE TOTAL AREA OF LAND IN WHICH SINGLE-UNIT DETACHED
28 DWELLINGS ARE ALLOWED AS A USE BY RIGHT WITHIN THE TIER ONE
29 URBAN MUNICIPALITY THAT IS EITHER A KEY CORRIDOR OR A
30 TRANSIT-ORIENTED AREA; OR
31 (B) THIRTY PERCENT OF THE TOTAL AREA OF LAND IN WHICH
32 SINGLE-UNIT DETACHED DWELLINGS ARE ALLOWED AS A USE BY RIGHT
33 WITHIN THE TIER ONE URBAN MUNICIPALITY.
34 (II) A TIER ONE URBAN MUNICIPALITY MAY LOCATE A MIDDLE
35 HOUSING AREA WITHIN OR ADJACENT TO TRANSIT-ORIENTED AREAS AND
36 KEY CORRIDORS; AND IN WALKABLE MIXED-USE NEIGHBORHOOD CENTERS.
37 IN DETERMINING THE LOCATION OF A MIDDLE HOUSING AREAS, A TIER ONE
38 MUNICIPALITY SHALL CONSIDER THE NARRATIVE ANALYSIS THAT IT
39 COMPLETED OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL
40 DISPLACEMENT PURSUANT TO SECTION 29-33-105 (4)(g).
41 (c) UNLESS A TIER ONE URBAN MUNICIPALITY DECIDES OTHERWISE,
42 LOCAL LAWS ADOPTED PURSUANT TO THIS SECTION MUST NOT APPLY TO
43 STANDARD EXEMPT PARCELS.

1 (3) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE
2 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
3 PROMULGATE A HOUSING MODEL CODE.

4 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
5 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
6 OF LOCAL AFFAIRS ON THE MODEL CODE PURSUANT TO SECTION 29-33-305.

7 (b) THE MODEL CODE MUST, AT A MINIMUM, ESTABLISH OBJECTIVE
8 STANDARDS FOR ALL THE ELEMENTS IN THE MINIMUM STANDARDS TO BE
9 ALLOWED AS A USE BY RIGHT IN ANY PART OF A TIER ONE URBAN
10 MUNICIPALITY THAT IS BOTH:

11 (I) WITHIN ONE MILE OF FIXED ROUTE SYSTEM, AS DEFINED IN 49
12 CFR 37; AND

13 (II) IN AN AREA THAT A TIER ONE URBAN MUNICIPALITY ALLOWS
14 SINGLE-UNIT DETACHED DWELLINGS AS A USE BY RIGHT.

15 (c) THE MODEL CODE MUST NOT ALLOW MINIMUM OFF-STREET
16 VEHICLE PARKING REQUIREMENTS IN CONNECTION WITH THE
17 CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING THAT ARE GREATER
18 THAN ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
19 ROUNDED UP.

20 (4) **Minimum standards.** (a) NOTWITHSTANDING ANY LOCAL LAW
21 TO THE CONTRARY, A TIER ONE URBAN MUNICIPALITY THAT DOES NOT
22 ADOPT THE MODEL CODE SHALL:

23 (I) ALLOW MIDDLE HOUSING AS A USE BY RIGHT IN THE
24 APPLICABLE HOUSING AREA IDENTIFIED BY THE MUNICIPALITY;

25 (II) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING MIDDLE
26 HOUSING THAT USE OBJECTIVE STANDARDS AND PROCEDURES;

27 (III) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING
28 SINGLE-UNIT DETACHED DWELLING TO CREATE MIDDLE HOUSING SO LONG
29 AS THE ADDITION OR CONVERSION DOES NOT INCREASE NONCONFORMANCE
30 WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS LOCAL LAWS ALLOW
31 FOR SUCH AN INCREASE IN NONCONFORMANCE; AND

32 (IV) ALLOW PROPERTIES ON WHICH MIDDLE HOUSING IS ALLOWED
33 TO BE SUBDIVIDED USING OBJECTIVE STANDARDS AND PROCEDURES.

34 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A TIER
35 ONE URBAN MUNICIPALITY THAT DOES NOT ADOPT THE MODEL CODE
36 SHALL NOT:

37 (I) APPLY STANDARDS PERTAINING TO ARCHITECTURAL
38 COMPATIBILITY, BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE
39 RESTRICTIVE THAN THE STANDARDS THAT THE SUBJECT JURISDICTION
40 APPLIES TO A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING
41 DISTRICT;

42 (II) APPLY MINIMUM SETBACKS, LOT WIDTHS, LOT DEPTHS, OR LOT
43 SIZE STANDARDS TO MIDDLE HOUSING THAT ARE MORE RESTRICTIVE THAN

1 THE STANDARDS THAT THE TIER ONE URBAN MUNICIPALITY WOULD APPLY
2 TO SINGLE-UNIT DETACHED DWELLINGS ON THE SAME PROPERTY;
3 (III) APPLY LOWER MAXIMUM HEIGHT STANDARDS TO MIDDLE
4 HOUSING THAN THE TIER ONE URBAN MUNICIPALITY WOULD APPLY TO
5 SINGLE-UNIT DETACHED DWELLINGS ON THE SAME PROPERTY;
6 (IV) APPLY LIMITS ON THE SCALE OF MIDDLE HOUSING BUILDINGS
7 THROUGH FLOOR AREA RATIOS, LOT OR BUILDING COVERAGE, OR OTHER
8 SIMILAR STANDARDS THAT ARE MORE RESTRICTIVE THAN THE STANDARDS
9 THAT THE SUBJECT JURISDICTION APPLIES TO A SINGLE-UNIT DETACHED
10 DWELLINGS IN THE SAME ZONING DISTRICT;
11 (V) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE
12 TO MIDDLE HOUSING IN A MANNER THAT INTERFERES WITH THE INTENT OF
13 THIS SECTION; OR
14 (VI) APPLY MINIMUM OFF-STREET VEHICLE PARKING
15 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING
16 OF MIDDLE HOUSING THAT ARE GREATER THAN ONE-HALF OF A PARKING
17 SPACE PER DWELLING UNIT, WHICH MAY BE ROUNDED UP IN THE CASE OF
18 AN ODD-NUMBER OF DWELLING UNITS.
19 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
20 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
21 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.
22 (5) **Adoption of model code or minimum standards.** (a) (I) No
23 LATER THAN JUNE 30, 2025, A TIER ONE URBAN MUNICIPALITY SHALL
24 EITHER:
25 (A) ADOPT LOCAL LAWS CONCERNING MIDDLE HOUSING THAT
26 SATISFY THE MINIMUM STANDARDS; OR
27 (B) ADOPT THE MODEL CODE.
28 (II) IF A TIER ONE URBAN MUNICIPALITY DOES NOT SATISFY THE
29 REQUIREMENTS OF SUBSECTION (5)(a)(I) OF THIS SECTION BEFORE
30 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
31 FOR THE PARCELS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AND
32 THE TIER ONE URBAN MUNICIPALITY SHALL NOT DENY OR CONDITION
33 APPROVAL OF AN APPLICATION FOR A MIDDLE HOUSING PROJECT ON ANY
34 APPLICABLE PARCEL ON ANY BASIS THAT IS INCONSISTENT WITH THE
35 MODEL CODE, AS SPECIFIED IN SECTION 29-33-304, IN THE SUBJECT
36 JURISDICTION AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL
37 AFFAIRS DETERMINES THAT THE TIER ONE URBAN MUNICIPALITY HAS
38 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.
39 (b) IF A TIER ONE URBAN MUNICIPALITY ADOPTS THE MODEL CODE,
40 OR THE MODEL CODE IS OTHERWISE IN EFFECT, THE MUNICIPALITY SHALL:
41 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
42 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
43 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT

1 JURISDICTION SHALL APPROVE THE MIDDLE HOUSING PROJECT;
2 (II) MAKE MIDDLE HOUSING DECISIONS CONSISTENT WITH THE
3 MODEL CODE; AND
4 (III) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
5 CONTRAVENE THE MODEL CODE.
6 (6) **Subject jurisdiction restrictions.** (a) NOTHING IN THIS
7 SECTION PREVENTS A TIER ONE URBAN MUNICIPALITY FROM:
8 (I) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
9 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
10 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
11 FOR USE BY PERSONS EXPERIENCING DISABILITIES;
12 (II) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
13 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES IN
14 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5 OR THE
15 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF
16 SECTION PART 2 OF ARTICLE 20 OF TITLE 29;
17 (III) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
18 MIDDLE HOUSING IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
19 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE 20 OF TITLE
20 29;
21 (IV) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
22 MIDDLE HOUSING;
23 (V) ALLOWING SINGLE-UNIT DETACHED DWELLINGS IN AN AREA
24 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR
25 (VI) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
26 DISTRICT TO A PARCEL ON WHICH MIDDLE HOUSING IS ALLOWED IN THAT
27 HISTORIC DISTRICT, INCLUDING RULES RELATING TO DEMOLITION.
28 (b) NOTHING IN THIS SECTION REQUIRES A TIER ONE URBAN
29 MUNICIPALITY TO PERMIT AN ACCESSORY DWELLING UNIT PROJECT AND A
30 MIDDLE HOUSING PROJECT ON THE SAME PARCEL OR LOT.
31 **29-33-305. Public comment and hearing process.** (1) IN
32 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
33 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
34 MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103
35 (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103
36 (8), OR THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103
37 (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING PROCESS ABOUT
38 CREATING:
39 (a) A MODEL FOR TRANSIT-ORIENTED AREAS PURSUANT TO
40 SECTION 29-33-302 (3)(a)(I);
41 (b) A KEY CORRIDORS MAP PURSUANT TO SECTION 29-33-303
42 (2)(a);
43 (c) A KEY CORRIDOR MODEL CODE PURSUANT TO SECTION

1 29-33-303 (4)(a); AND
2 (d) A MODEL CODE FOR MIDDLE HOUSING PURSUANT TO SECTION
3 29-33-304 (3)(a)(I).
4 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
5 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
6 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:
7 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
8 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
9 COMMENT ON THE MODEL CODE;
10 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
11 MODEL CODE;
12 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
13 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND
14 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
15 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.
16 **29-33-306. Exemption or extension.** (1) NO LATER THAN JUNE
17 30, 2024, A TIER ONE MUNICIPALITY MAY NOTIFY THE DEPARTMENT OF
18 LOCAL AFFAIRS THAT AN EXEMPTION OR AN EXTENSION IS NECESSARY
19 FROM THE REQUIREMENTS OF SECTIONS 29-33-302 (5), 29-33-303 (6), OR
20 29-33-304 (5).
21 (2) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
22 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
23 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
24 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
25 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
26 IN THIS SUBSECTION (2), "DEFICIENT" INCLUDES, IN REFERENCE TO THE
27 SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
28 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
29 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
30 APPLICABLE, ISSUES CONCERNING:
31 (a) WATER SUPPLY;
32 (b) WASTEWATER TREATMENT CAPACITY;
33 (c) WATER DISTRIBUTION AND WASTEWATER COLLECTION
34 CAPACITY; OR
35 (d) STORMWATER MANAGEMENT CAPACITY.
36 (3) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
37 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (2) OF THIS
38 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
39 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
40 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
41 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
42 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
43 NOTICE.

1 (4) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
2 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SECTION.
3 **29-33-307. Report.** (1) NO LATER THAN DECEMBER JUNE 30,
4 2025, A TIER ONE URBAN MUNICIPALITY SUBJECT TO SHALL SUBMIT TO THE
5 DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND MANNER DETERMINED BY
6 THE DEPARTMENT OF LOCAL AFFAIRS, REPORTS CONCERNING THE
7 IMPLEMENTATION OF THE MODEL CODES REQUIRED BY SECTIONS
8 29-33-302 (3), 29-33-303 (4), AND 29-33-304 (3) OR LOCAL LAWS THAT
9 COMPLY WITH THE MINIMUM STANDARDS DESCRIBED IN SECTIONS
10 29-33-302 (4), 29-33-3034 (5), AND 29-33-302 (4).
11 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
12 SUBSECTION (7)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
13 SHALL REVIEW AND APPROVE THE SUBMITTED REPORTS OR REJECT THE
14 REPORTS AND PROVIDE FEEDBACK TO THE TIER ONE URBAN MUNICIPALITY.
15 THE DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
16 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
17 LOCAL LAWS AND RESUBMIT REPORTS.
18 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A TIER ONE
19 URBAN MUNICIPALITY'S REPORT, THE RELEVANT MODEL CODE GOES INTO
20 EFFECT IMMEDIATELY FOR THE TIER ONE URBAN MUNICIPALITY UNTIL THE
21 DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE TIER ONE URBAN
22 MUNICIPALITY HAS ADOPTED LAWS THAT COMPLY WITH THE RELEVANT
23 MINIMUM STANDARDS."

24 Strike pages 54 through 84.

25 Page 85, strike lines 1 through 14.

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