

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 25-0029.01 Caroline Martin x5902

HOUSE BILL 25-1169

HOUSE SPONSORSHIP

Boesenecker and Mabrey, Camacho, Lindsay, Lindstedt, Stewart R., Willford, Zokaie

SENATE SPONSORSHIP

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House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROMOTION OF RESIDENTIAL DEVELOPMENT ON**
102 **QUALIFYING PROPERTIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a subject jurisdiction, on or after December 31, 2026, to allow a residential development to be constructed on a qualifying property that does not contain an exempt parcel, subject to an administrative approval process.

The bill specifies that a subject jurisdiction shall not:

- Disallow construction of a residential development on the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
March 5, 2025

- basis of height if the tallest structure in the residential development is no more than 3 stories or 45 feet tall;
- Disallow construction of a residential development on the basis of height if the tallest structure in the residential development complies with the height-related standards for the zoning district in which the residential development will be built or any zoning district that is contiguous to the qualifying property on which the residential development will be built;
- Disallow construction of a residential development based on the number of dwelling units that the residential development will contain, except in accordance with standards listed in the bill; or
- Apply standards to a residential development on a qualifying property that are more restrictive than the standards the subject jurisdiction applies to similar housing constructed within the subject jurisdiction, including standards related to structure setbacks from property lines; lot coverage or open space; on-site parking requirements; numbers of bedrooms in a multifamily residential development; or on-site landscaping, screening, and buffering requirements.

A subject jurisdiction shall allow the following uses in a residential development on a qualifying property:

- Childcare; and
- The provision of recreational, social, or educational services provided by community organizations for use by the residents of the residential development and the surrounding community.

A subject jurisdiction may condition additional uses in a residential development on the uses being allowed only on the ground floor of the residential development and the uses occupying no more than 15% of the ground floor area of the residential development.

The bill requires a faith-based organization, school district, or state college or university to notify the county assessor that a subject jurisdiction has allowed the construction of a residential development on a qualifying property within the county.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article
 3 35 of title 29 as follows:

4 **PART 5**

1 RESIDENTIAL DEVELOPMENT ON
2 QUALIFYING PROPERTIES

3 **29-35-501. Legislative declaration.** (1) THE GENERAL ASSEMBLY
4 FINDS AND DECLARES THAT:

5 (a) COLORADANS ARE OVERWHELMINGLY BURDENED WITH THE
6 COST OF HOUSING. IN 2022, FORTY-FIVE PERCENT OF COLORADO RENTERS
7 SPENT OVER THIRTY PERCENT OF THEIR INCOME ON RENT. IN ORDER TO
8 AFFORD THE MEDIAN RENT OF ONE THOUSAND SEVEN HUNDRED
9 SEVENTY-ONE DOLLARS WITHOUT BEING COST-BURDENED, A COLORADO
10 RENTER MUST EARN AN ANNUAL INCOME THAT EXCEEDS SEVENTY
11 THOUSAND DOLLARS. FURTHER, TO PURCHASE A MEDIAN-PRICED HOME IN
12 COLORADO WITH A TWENTY PERCENT DOWN PAYMENT WITHOUT BEING
13 COST-BURDENED, A COLORADAN MUST EARN AN ANNUAL INCOME THAT
14 EXCEEDS ONE HUNDRED TWENTY-NINE THOUSAND DOLLARS.

15 (b) AS OF NOVEMBER 2024, THE AVERAGE COST OF CONSTRUCTION
16 IN COLORADO WAS APPROXIMATELY FOUR HUNDRED EIGHTY-THREE
17 THOUSAND DOLLARS PER UNIT, REPRESENTING AN INCREASE OF OVER
18 SIXTY THOUSAND DOLLARS FROM THE PREVIOUS YEAR;

19 (c) AS COLORADO GROWS, SO DOES THE CHALLENGE OF PROVIDING
20 AFFORDABLE HOUSING TO ITS RESIDENTS. WHILE LAND THAT IS AVAILABLE
21 FOR NEW HOUSING IN ESTABLISHED COMMUNITIES IS IN SHORT SUPPLY,
22 MANY QUALIFYING ORGANIZATIONS OWN UNDERUTILIZED PROPERTIES
23 UPON WHICH HOUSING COULD BE BUILT.

24 (d) IN DENVER, JEFFERSON, ARAPAHOE, AND DOUGLAS COUNTIES
25 ALONE, FAITH-BASED ORGANIZATIONS OWN MORE THAN FIVE THOUSAND
26 ACRES OF UNDEVELOPED LAND, SOME OF WHICH HAS NEVER BEEN
27 DEVELOPED AND SOME OF WHICH HAS BEEN VACANT FOR OVER SEVENTY

1 YEARS. IN MANY CASES, FAITH-BASED ORGANIZATIONS ARE MOWING OR
2 MAINTAINING THESE LOTS AT SIGNIFICANT COST WITH NO REAL BENEFIT TO
3 THE COMMUNITY.

4 (e) COLORADO URGENTLY NEEDS MORE HOUSING TO MEET THE
5 NEEDS OF A GROWING STATEWIDE POPULATION AND ADDRESS ISSUES
6 DIRECTLY RELATED TO HOUSING, SUCH AS TRANSIT, COMMUTING, THE
7 WORKFORCE, AND THE ENVIRONMENT. PROVIDING OPPORTUNITIES TO
8 CONSTRUCT RESIDENTIAL DEVELOPMENTS ON UNDERUTILIZED LAND IS A
9 MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

10 (f) LOCAL ZONING REGULATIONS CAN PREVENT HOUSING FROM
11 BEING DEVELOPED ON VACANT PROPERTIES BY PROHIBITING RESIDENTIAL
12 DEVELOPMENT IN ASSOCIATION WITH PLACES OF ASSEMBLY, OR BY
13 REQUIRING EXTENSIVE REZONING PROCESSES THAT ADD COST AND
14 UNCERTAINTY TO AFFORDABLE HOUSING PROJECTS; AND

15 (g) THIS HOUSE BILL 25-1169, ENACTED IN 2025, STREAMLINES
16 THE BUILDING PROCESS FOR QUALIFYING PROPERTIES, INCLUDING
17 PROPERTIES OWNED BY FAITH-BASED ORGANIZATIONS, BY PROVIDING A
18 PROCESS THAT ALLOWS RESIDENTIAL DEVELOPMENTS TO BE CONSTRUCTED
19 ON QUALIFYING PROPERTIES AS LONG AS CERTAIN REQUIREMENTS ARE
20 SATISFIED.

21 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
22 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EVERY PERSON
23 INVOLVED IN THE CONSTRUCTION, MANAGEMENT, AND OPERATION OF A
24 QUALIFYING PROPERTY IN CONNECTION WITH THIS PART 5 COMPLIES WITH
25 THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., THE
26 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
27 12101 ET SEQ., AND ALL OTHER STATE AND FEDERAL LAWS.

1 **29-35-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN
4 SECTION 29-35-402 (8).

5 (2) "EXEMPT PARCEL" MEANS:

6 (a) A PARCEL THAT IS NOT SERVED BY A DOMESTIC WATER AND
7 SEWAGE TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5); IS
8 SERVED BY A WELL THAT IS NOT CONNECTED TO A WATER DISTRIBUTION
9 SYSTEM, AS DEFINED IN SECTION 25-9-102 (6); OR IS SERVED BY A SEPTIC
10 TANK, AS DEFINED IN SECTION 25-10-103 (18);

11 (b) A PARCEL WHERE RESIDENTIAL USE IS PREVENTED OR LIMITED
12 BY STATE REGULATION, FEDERAL REGULATION, OR DEED RESTRICTION
13 PURSUANT TO:

14 (I) FEDERAL AVIATION ADMINISTRATION RESTRICTIONS PURSUANT
15 TO 14 CFR 77;

16 (II) AN ENVIRONMENTAL COVENANT PURSUANT TO SECTION
17 25-15-318 TO SECTION 25-15-323; OR

18 (III) FLAMMABLE GAS OVERLAY ZONING DISTRICT RESTRICTIONS;

19 (c) A PARCEL THAT IS USED AS A CEMETERY, AS DEFINED IN
20 SECTION 10-15-102 (2); OR

21 (d) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT.

22 (3) "FAITH-BASED ORGANIZATION" MEANS ANY ORGANIZATION,
23 CHURCH, BODY OF COMMICANTS, OR GROUP THAT IS:

24 (a) GATHERED IN COMMON MEMBERSHIP FOR THE PURPOSE OF
25 PROPAGATING ITS FAITH OR CARRYING ON HUMANITARIAN WORK RELATED
26 TO THAT FAITH;

27 (b) LOCATED ON PROPERTY OWNED BY A NONPROFIT

1 ORGANIZATION WITH A RELIGIOUS MISSION;

2 (c) LOCATED ON PROPERTY THAT IS USED FOR RELIGIOUS
3 PURPOSES; AND

4 (d) NOT ORGANIZED FOR PRIVATE GAIN OR CORPORATE PROFIT.

5 (4) "QUALIFYING PROPERTY" MEANS REAL PROPERTY THAT
6 CONTAINS NO MORE THAN FIVE ACRES OF LAND AND THAT HAS BEEN
7 OWNED BY A FAITH-BASED ORGANIZATION, A SCHOOL DISTRICT, AS
8 DEFINED IN SECTION 22-30-103 (13), OR A STATE COLLEGE OR UNIVERSITY,
9 AS DEFINED IN SECTION 23-2-102 (15), FOR AT LEAST FIVE YEARS.

10 (5) "RESIDENTIAL DEVELOPMENT" MEANS A DEVELOPMENT WITH
11 ONE OR MORE STRUCTURES THAT CONTAINS PERMANENT DWELLING UNITS
12 AND DOES NOT CONTAIN ANY TEMPORARY HOUSING OR SHELTER SPACE.

13 (6) "SIMILAR HOUSING" MEANS HOUSING THAT IS SIMILAR IN FORM
14 AND NUMBER OF DWELLING UNITS.

15 (7) "SUBJECT JURISDICTION" MEANS A LOCAL GOVERNMENT THAT
16 HAD A POPULATION GREATER THAN TWO THOUSAND PEOPLE AS OF THE
17 LAST UNITED STATES CENSUS.

18 **29-35-503. Residential developments on qualifying properties.**

19 (1) **Residential developments on qualifying properties.** ON OR AFTER
20 DECEMBER 31, 2026, A SUBJECT JURISDICTION SHALL ALLOW A
21 RESIDENTIAL DEVELOPMENT TO BE CONSTRUCTED ON A QUALIFYING
22 PROPERTY THAT DOES NOT CONTAIN AN EXEMPT PARCEL, SUBJECT TO AN
23 ADMINISTRATIVE APPROVAL PROCESS AND IN ACCORDANCE WITH
24 SECTIONS 29-35-504 AND 29-35-505.

25 (2) **Subject jurisdiction administrative practices.** NOTHING IN
26 THIS SECTION PREVENTS A SUBJECT JURISDICTION FROM:

27 (a) APPLYING AND ENFORCING INFRASTRUCTURE STANDARDS IN

1 LOCAL LAW DURING THE ADMINISTRATIVE APPROVAL PROCESS, INCLUDING
2 STANDARDS RELATED TO UTILITIES, TRANSPORTATION, OR PUBLIC WORKS
3 CODES;

4 (b) APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY
5 CODE, INCLUDING A BUILDING, FIRE, UTILITY, OR STORMWATER CODE;

6 (c) APPLYING AND ENFORCING REGULATIONS RELATED TO HUMAN
7 AND ENVIRONMENTAL HEALTH AND SAFETY, INCLUDING OIL AND GAS
8 SETBACKS, FLOODPLAIN REGULATIONS, AND AIRPORT INFLUENCE AREAS;

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

13 (e) REQUIRING A STATEMENT BY A WATER OR WASTEWATER
14 SERVICE PROVIDER REGARDING ITS CAPACITY TO SERVICE THE PROPERTY
15 AS A CONDITION OF ALLOWING A RESIDENTIAL DEVELOPMENT;

16 (f) APPLYING AND ENFORCING INCLUSIONARY ZONING
17 ORDINANCES, DEED RESTRICTIONS, COMMUNITY BENEFIT AGREEMENTS,
18 DEVELOPMENT AGREEMENTS, OR OTHER AFFORDABLE HOUSING POLICIES
19 OR STANDARDS;

20 (g) APPLYING STANDARDS TO ALLOW A RESIDENTIAL
21 DEVELOPMENT TO BE CONSTRUCTED ON A QUALIFYING PROPERTY WHEN
22 SUCH RESIDENTIAL DEVELOPMENT WOULD OTHERWISE BE DISALLOWED
23 BASED ON THE STANDARDS DESCRIBED IN SECTION 29-35-504 (1), OR
24 OTHERWISE OFFERING AFFORDABLE HOUSING INCENTIVES TO DEVELOPERS;

25 OR

26 (h) ENACTING OR APPLYING A LOCAL LAW CONCERNING A
27 SHORT-TERM RENTAL, AS THAT TERM IS DEFINED IN SECTION 29-35-402

1 (19), OF A DWELLING UNIT ON A QUALIFYING PROPERTY.

2 (3) **Changes to tax exempt status.** NOTWITHSTANDING
3 MISSION-DEFINED ACTIVITIES CONDUCTED UPON QUALIFYING PROPERTIES,
4 PERMITTED ACTIVITIES OUTLINED IN THIS SECTION ARE NOT
5 AUTOMATICALLY EXEMPT FROM TAXATION AT THE LOCAL, STATE, OR
6 FEDERAL LEVEL.

7 (4) **School district administrative practices.** NOTHING IN THIS
8 SECTION PREVENTS A SCHOOL DISTRICT FROM CONSTRUCTING,
9 PURCHASING, OR REMODELING A TEACHERAGE PURSUANT TO SECTION
10 22-32-110 (1)(d), OR FROM USING ANY OF THE PROCESSES DESCRIBED IN
11 SECTION 22-32-124 REGARDING BUILDINGS AND STRUCTURES.

12 (5) **Prohibition on discrimination.** A RESIDENTIAL DEVELOPMENT
13 CONSTRUCTED PURSUANT TO THIS SECTION IS CONSIDERED HOUSING FOR
14 A COMMERCIAL PURPOSE PURSUANT TO 42 U.S.C. SEC. 3607 ET SEQ. ANY
15 PERSON INVOLVED IN THE CONSTRUCTION OR MAINTENANCE OF A
16 RESIDENTIAL DEVELOPMENT PURSUANT TO THIS SECTION:

17 (a) MUST COMPLY WITH ALL FEDERAL AND STATE LAWS
18 REGARDING NONDISCRIMINATORY ACCESS TO HOUSING, INCLUDING THE
19 FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ.; THE
20 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
21 SEQ.; AND THE COLORADO ANTI-DISCRIMINATION ACT, PARTS 3 THROUGH
22 8 OF ARTICLE 34 OF TITLE 24; AND

23 (b) MAY BE SUBJECT TO A DISCRIMINATION COMPLAINT FILED WITH
24 THE COLORADO CIVIL RIGHTS DIVISION OR OTHER COURT.

25 **29-35-504. Affordability requirements for qualifying**
26 **properties.** (1) A SUBJECT JURISDICTION SHALL NOT ALLOW A
27 RESIDENTIAL DEVELOPMENT CONTAINING RENTED DWELLING UNITS TO BE

1 CONSTRUCTED ON A QUALIFYING PROPERTY UNLESS THE RESIDENTIAL
2 DEVELOPMENT COMPLIES WITH THE FOLLOWING REQUIREMENTS:

3 (a) IF THE SUBJECT JURISDICTION HAS ADOPTED AN INCLUSIONARY
4 ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING POLICY THAT
5 APPLIES TO THE QUALIFYING PROPERTY, THE RESIDENTIAL DEVELOPMENT
6 MUST COMPLY WITH THE INCLUSIONARY ZONING ORDINANCE OR OTHER
7 AFFORDABLE HOUSING POLICY;

8 (b) IF THE SUBJECT JURISDICTION HAS NOT ADOPTED AN
9 INCLUSIONARY ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING
10 POLICY THAT APPLIES TO THE QUALIFYING PROPERTY AND THE MARKET
11 RATE RENT IN THE SUBJECT JURISDICTION, AS CALCULATED BY A
12 RECOGNIZED AND PUBLICLY AVAILABLE HOUSING INDUSTRY RESOURCE, IS
13 AT OR BELOW ONE HUNDRED TWENTY PERCENT OF THE MONTHLY AREA
14 MEDIAN INCOME AS ESTABLISHED ANNUALLY BY THE UNITED STATES
15 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE COUNTY IN
16 WHICH THE QUALIFYING PROPERTY IS LOCATED, THE RESIDENTIAL
17 DEVELOPMENT MUST ALIGN WITH THE SUBJECT JURISDICTION'S
18 DEMONSTRATED HOUSING NEEDS AS DETERMINED IN A HOUSING NEEDS
19 ASSESSMENT PUBLISHED IN ACCORDANCE WITH SECTION 24-32-3703 OR
20 24-32-3704; OR

21 (c) IF THE SUBJECT JURISDICTION HAS NOT ADOPTED AN
22 INCLUSIONARY ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING
23 POLICY THAT APPLIES TO THE QUALIFYING PROPERTY AND THE MARKET
24 RATE RENT IN THE SUBJECT JURISDICTION, AS CALCULATED BY A
25 RECOGNIZED AND PUBLICLY AVAILABLE HOUSING INDUSTRY RESOURCE,
26 IS ABOVE ONE HUNDRED TWENTY PERCENT OF THE MONTHLY AREA
27 MEDIAN INCOME AS ESTABLISHED ANNUALLY BY THE UNITED STATES

1 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE COUNTY IN
2 WHICH THE QUALIFYING PROPERTY IS LOCATED, THEN AT LEAST TWENTY
3 PERCENT OF THE DWELLING UNITS RENTED IN THE RESIDENTIAL
4 DEVELOPMENT MUST HAVE A DESIGNATED IMPUTED INCOME LIMIT BY
5 HOUSEHOLD SIZE THAT DOES NOT EXCEED EIGHTY PERCENT OF THE AREA
6 MEDIAN INCOME.

7 (2) A SUBJECT JURISDICTION SHALL NOT ALLOW A RESIDENTIAL
8 DEVELOPMENT CONTAINING DWELLING UNITS THAT WILL BE SOLD TO BE
9 CONSTRUCTED ON A QUALIFYING PROPERTY UNLESS THE RESIDENTIAL
10 DEVELOPMENT COMPLIES WITH THE FOLLOWING REQUIREMENTS:

11 (a) IF THE SUBJECT JURISDICTION HAS ADOPTED AN INCLUSIONARY
12 ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING POLICY THAT
13 APPLIES TO THE QUALIFYING PROPERTY, THE RESIDENTIAL DEVELOPMENT
14 MUST COMPLY WITH THE INCLUSIONARY ZONING ORDINANCE OR OTHER
15 AFFORDABLE HOUSING POLICY; AND

16 (b) IF THE SUBJECT JURISDICTION HAS NOT ADOPTED AN
17 INCLUSIONARY ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING
18 POLICY THAT APPLIES TO THE QUALIFYING PROPERTY, THEN AT LEAST
19 TWENTY PERCENT OF THE DWELLING UNITS SOLD IN THE RESIDENTIAL
20 DEVELOPMENT MUST HAVE A DESIGNATED IMPUTED INCOME LIMIT BY
21 HOUSEHOLD SIZE THAT DOES NOT EXCEED ONE HUNDRED FORTY PERCENT
22 OF THE AREA MEDIAN INCOME.

23 (3) (a) IF A RESIDENTIAL DEVELOPMENT MUST COMPLY WITH
24 AFFORDABILITY REQUIREMENTS PURSUANT TO THE SUBJECT
25 JURISDICTION'S DEMONSTRATED HOUSING NEEDS IN ACCORDANCE WITH
26 SUBSECTION (1)(b)(I) OF THIS SECTION, OR IF A RESIDENTIAL
27 DEVELOPMENT MUST COMPLY WITH AFFORDABILITY REQUIREMENTS

1 PURSUANT TO SUBSECTION (1)(b)(II) OF THIS SECTION, THE
2 AFFORDABILITY REQUIREMENTS MUST BE IMPOSED BY ONE OF THE
3 FOLLOWING INSTRUMENTS, WHICH MUST REQUIRE THAT THE SUBJECT
4 JURISDICTION HAS THE RIGHT TO REQUIRE SPECIFIC PERFORMANCE:

5 (I) A DEED RESTRICTION LASTING FOR AT LEAST FORTY YEARS; OR

6 (II) A COVENANT THAT RUNS WITH THE LAND FOR AT LEAST FORTY
7 YEARS.

8 (b) THE AFFORDABILITY REQUIREMENTS DESCRIBED IN SUBSECTION
9 (2)(b) OF THIS SECTION MUST BE IMPOSED BY ONE OF THE FOLLOWING
10 INSTRUMENTS, WHICH MUST REQUIRE THAT THE SUBJECT JURISDICTION
11 HAS THE RIGHT TO REQUIRE SPECIFIC PERFORMANCE:

12 (I) A DEED RESTRICTION LASTING FOR AT LEAST THIRTY YEARS; OR

13 (II) A COVENANT THAT RUNS WITH THE LAND FOR AT LEAST
14 THIRTY YEARS.

15 **29-35-505. Qualifying property requirements for a subject**
16 **jurisdiction - allowable uses.** (1) A SUBJECT JURISDICTION SHALL NOT:

17 (a) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
18 ON A QUALIFYING PROPERTY ON THE BASIS OF HEIGHT IF THE TALLEST
19 STRUCTURE IN THE RESIDENTIAL DEVELOPMENT IS NO MORE THAN THREE
20 STORIES OR FORTY-FIVE FEET TALL;

21 (b) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
22 ON A QUALIFYING PROPERTY ON THE BASIS OF HEIGHT IF THE TALLEST
23 STRUCTURE IN THE RESIDENTIAL DEVELOPMENT COMPLIES WITH THE
24 HEIGHT-RELATED STANDARDS:

25 (I) OF THE ZONING DISTRICT IN WHICH THE RESIDENTIAL
26 DEVELOPMENT WILL BE BUILT; OR

27 (II) THAT APPLY TO ANY PARCEL THAT IS CONTIGUOUS TO THE

1 QUALIFYING PROPERTY ON WHICH THE RESIDENTIAL DEVELOPMENT WILL
2 BE BUILT;

3 (c) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
4 ON A QUALIFYING PROPERTY BASED ON THE NUMBER OF DWELLING UNITS
5 THE RESIDENTIAL DEVELOPMENT WILL CONTAIN, EXCEPT IN ACCORDANCE
6 WITH ONE OF THE STANDARDS LISTED IN SUBSECTION (1)(d) OF THIS
7 SECTION; OR

8 (d) APPLY STANDARDS TO A RESIDENTIAL DEVELOPMENT ON A
9 QUALIFYING PROPERTY THAT ARE MORE RESTRICTIVE THAN THE
10 STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO SIMILAR
11 HOUSING CONSTRUCTED WITHIN THE SUBJECT JURISDICTION, INCLUDING
12 STANDARDS RELATED TO:

- 13 (I) STRUCTURE SETBACKS FROM PROPERTY LINES;
- 14 (II) LOT COVERAGE OR OPEN SPACE;
- 15 (III) ON-SITE PARKING REQUIREMENTS;
- 16 (IV) NUMBERS OF BEDROOMS IN A MULTIFAMILY RESIDENTIAL
17 DEVELOPMENT; ■■■
- 18 (V) ON-SITE LANDSCAPING, SCREENING, AND BUFFERING
19 REQUIREMENTS; OR
- 20 (VI) MINIMUM DWELLING UNITS PER ACRE.

21 (2) PROVIDED THAT THE USES ARE ALLOWED CONDITIONALLY OR
22 BY RIGHT WITHIN THE ZONING DISTRICT IN WHICH A QUALIFYING PROPERTY
23 IS LOCATED, A SUBJECT JURISDICTION SHALL ALLOW THE FOLLOWING USES
24 IN A RESIDENTIAL DEVELOPMENT ON A QUALIFYING PROPERTY:

- 25 (a) CHILDCARE; AND
- 26 (b) THE PROVISION OF RECREATIONAL, SOCIAL, OR EDUCATIONAL
27 SERVICES PROVIDED BY COMMUNITY ORGANIZATIONS FOR USE BY THE

1 RESIDENTS OF THE RESIDENTIAL DEVELOPMENT AND THE SURROUNDING
2 COMMUNITY.

3 (3) A SUBJECT JURISDICTION MAY CONDITION ALLOWANCE OF THE
4 USES DESCRIBED IN SUBSECTION (2) OF THIS SECTION ON:

5 (a) THE USES BEING ALLOWED ONLY ON THE GROUND FLOOR OF
6 THE STRUCTURES IN THE RESIDENTIAL DEVELOPMENT; AND

7 (b) THE USES OCCUPYING NO MORE THAN FIFTEEN PERCENT OF THE
8 STRUCTURES IN THE RESIDENTIAL DEVELOPMENT.

9 **29-35-506. Notification to county assessor.** WITHIN TWO WEEKS
10 OF A SUBJECT JURISDICTION ALLOWING THE CONSTRUCTION OF A
11 RESIDENTIAL DEVELOPMENT ON A QUALIFYING PROPERTY PURSUANT TO
12 SECTION 29-35-503 (1), THE FAITH-BASED ORGANIZATION, SCHOOL
13 DISTRICT, OR STATE COLLEGE OR UNIVERSITY THAT OWNS THE QUALIFYING
14 PROPERTY SHALL PROVIDE NOTICE OF THE ALLOWANCE OF THE
15 CONSTRUCTION OF THE RESIDENTIAL DEVELOPMENT TO THE COUNTY
16 ASSESSOR IN THE COUNTY IN WHICH THE QUALIFYING PROPERTY IS
17 LOCATED. THE NOTICE MUST INCLUDE THE PROPERTY ADDRESS, THE
18 ASSESSOR'S PARCEL IDENTIFICATION NUMBER FOR THE PROPERTY, AND THE
19 DATE ON WHICH THE RESIDENTIAL DEVELOPMENT WAS ALLOWED BY THE
20 SUBJECT JURISDICTION.

21 **SECTION 2. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.