

CHAPTER 66

**GOVERNMENT - COUNTY**

**HOUSE BILL 01-1211**

BY REPRESENTATIVE(S) Johnson, Decker, and Miller;  
also SENATOR(S) Matsunaka, Hernandez, Hillman, McElhany, and Musgrave.

**AN ACT**

CONCERNING THE MODIFICATION OF LAND USE REQUIREMENTS FOR CLUSTER DEVELOPMENTS.

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

**SECTION 1.** 30-28-403 (1), Colorado Revised Statutes, is amended to read:

**30-28-403. Cluster development.** (1) A cluster development is any division of land that creates parcels containing less than thirty-five acres each, for single-family residential purposes only, where ~~the tract is~~ ONE OR MORE TRACTS ARE being divided pursuant to a rural land use process and ~~reserves~~ WHERE at least two-thirds of the total area of the tract OR TRACTS IS RESERVED for the preservation of ~~contiguous~~ open space. No rural land use process as authorized by this section shall approve a cluster development that would exceed ~~two~~ ONE residential ~~units~~ UNIT for each ~~thirty-five~~ SEVENTEEN AND ONE-HALF acre increment.

**SECTION 2. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 28, 2001

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*