

CHAPTER 200

GOVERNMENT - LOCAL

HOUSE BILL 05-1032

BY REPRESENTATIVE(S) Rose, Buescher, and Larson;
also SENATOR(S) Isgar.

AN ACT**CONCERNING MODIFICATIONS TO A PLANNED UNIT DEVELOPMENT FOR LAND SET ASIDE FOR GOVERNMENTAL PURPOSES.**

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

SECTION 1. 24-67-106 (3) (b), Colorado Revised Statutes, is amended, and the said 24-67-106 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

24-67-106. Enforcement and modification of provisions of the plan. (3) All those provisions of the plan authorized to be enforced by the county or municipality may be modified, removed, or released by the county or municipality, subject to the following:

(b) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b.5) OF THIS SUBSECTION (3), no substantial modification, removal, or release of the provisions of the plan by the county or municipality shall be permitted except upon a finding by the county or municipality, following a public hearing called and held in accordance with the provisions of section 24-67-104 (1) (e) that the modification, removal, or release is consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person.

(b.5) (I) SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (b.5), IN THE CASE OF ANY LAND LOCATED WITHIN A PLANNED UNIT DEVELOPMENT THAT HAS BEEN SET ASIDE FOR A GOVERNMENTAL USE OR PURPOSE AS SPECIFIED IN THE PLAN, THE PLAN AGREEMENT, OR RELATED DOCUMENTS, A GOVERNMENTAL ENTITY THAT HOLDS LEGAL TITLE TO THE LAND MAY, WITH THE

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

APPROVAL OF THE COUNTY OR MUNICIPALITY IN WHICH THE LAND IS LOCATED, AS APPLICABLE, AND FOLLOWING A PUBLIC HEARING CALLED FOR AND HELD IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-67-104 (1) (e), DO ANY OF THE FOLLOWING, SINGULARLY OR IN COMBINATION:

(A) SUBDIVIDE ALL OR ANY PORTION OF THE LAND;

(B) REMOVE OR RELEASE ALL OR ANY PORTION OF THE LAND FROM ANY LIMITATIONS ON ITS USE OR PURPOSE BY THE GOVERNMENTAL ENTITY AS SPECIFIED IN THE PLAN, THE PLAN AGREEMENT, OR RELATED DOCUMENTS; OR

(C) SELL OR OTHERWISE DISPOSE OF ALL OR ANY PORTION OF THE LAND.

(II) ANY ACTION AUTHORIZED IN ACCORDANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b.5) SHALL ONLY BE UNDERTAKEN UPON A FINDING BY THE COUNTY OR MUNICIPALITY, AS APPLICABLE, FOLLOWING THE PUBLIC HEARING REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b.5) THAT ALL OR ANY PORTION OF THE LAND IS NOT REASONABLY EXPECTED TO BE NECESSARY FOR A GOVERNMENTAL USE OR PURPOSE OR THAT THE GOVERNMENTAL USE OR PURPOSE WILL BE FURTHERED BY DISPOSAL OF THE LAND. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PARAGRAPH (b.5), WHERE ACTION HAS BEEN UNDERTAKEN IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PARAGRAPH (b.5), THE FUTURE USE OF ALL OR ANY PORTION OF THE LAND SHALL IN ALL OTHER RESPECTS BE CONSISTENT WITH THE EFFICIENT DEVELOPMENT AND PRESERVATION OF THE ENTIRE PLANNED UNIT DEVELOPMENT AND WITH THE PLAN.

SECTION 2. Applicability. This act shall apply to any planned unit development approved prior to, on, or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2005