

CHAPTER 99

GOVERNMENT - LOCAL

HOUSE BILL 20-1133

BY REPRESENTATIVE(S) Kraft-Tharp and McKean, Snyder, Tipper, Buentello, Gray, Hooton, Humphrey, Michaelson Jenet, Young;
also SENATOR(S) Tate, Crowder, Priola, Smallwood.

AN ACT

CONCERNING LAND USE ENTITLEMENTS AFFECTING REAL PROPERTY THAT HAS BEEN DISCONNECTED FROM A MUNICIPALITY.

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

SECTION 1. In Colorado Revised Statutes, 31-12-501, **amend** (1); and **add** (5) as follows:

31-12-501. Application - enactment - filing - definitions. (1) When the owner of a tract of land within and adjacent to the boundary of a municipality desires to have said tract disconnected from such municipality, such owner may apply to the governing body of such municipality for the enactment of an ordinance disconnecting such tract of land from such municipality. The owner shall also provide notice and a copy of the application to the board of county commissioners of the county in which the tract of land that is the subject of the application is located and to the board of directors of any affected special district. ~~NO LATER THAN THE EFFECTIVE DATE OF THE DISCONNECTION OF A PARTICULAR TRACT OF LAND, ANY VESTED PROPERTY RIGHTS AFFECTING THE TRACT THAT HAVE BEEN ESTABLISHED PURSUANT TO ARTICLE 68 OF TITLE 24 PRIOR TO SUCH DATE THAT ARE POSSESSED BY THE OWNER OF THE TRACT SHALL BE EXPIRED OR RELINQUISHED.~~

(5) (a) ANY TRACT OF LAND THAT HAS BEEN DISCONNECTED FROM A MUNICIPALITY, WHETHER BY MEANS OF AN ORDINANCE ENACTED UNDER SUBSECTION (3) OF THIS SECTION OR A COURT DECREE THAT HAS BEEN ENTERED UNDER PART 6 OF THIS ARTICLE 12, SHALL BE MADE SUBJECT TO THE APPLICABLE COUNTY'S ZONING RESOLUTION AND MAP AND OTHER LAND DEVELOPMENT REGULATIONS WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THE DISCONNECTION AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION. ANY PROVISION

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

OF THE COUNTY'S ZONING RESOLUTION, ZONING MAP, OR ZONING PLAN AUTOMATICALLY APPLYING A UNIFORM ZONING CLASSIFICATION TO ALL LAND THAT MAY BE DISCONNECTED IN THE FUTURE IS VOID AND OF NO EFFECT AS TO ANY PARTICULAR TRACT OF LAND. THE COUNTY MAY INSTITUTE THE PROCEDURE SPECIFIED IN THE COLORADO REVISED STATUTES, IN ITS ZONING RESOLUTION OR ZONING PLAN, OR IN ITS OTHER LAND DEVELOPMENT REGULATIONS TO ALLOW THE PARTICULAR TRACT OF LAND TO OBTAIN THE NECESSARY LAND ENTITLEMENTS AT ANY TIME AFTER THE COUNTY RECEIVES THE NOTICE FROM THE MUNICIPALITY REGARDING ENACTMENT OF AN ORDINANCE DISCONNECTING THE TRACT FROM THE MUNICIPALITY DESCRIBED IN SUBSECTION (1) OF THIS SECTION; EXCEPT THAT ANY SUCH ZONING RESOLUTION, ZONING PLAN, OR OTHER LAND DEVELOPMENT ACTION SHALL NOT BE ENACTED AND MADE EFFECTIVE UNTIL THE TRACT OF LAND HAS BEEN DISCONNECTED FROM THE MUNICIPALITY IN ACCORDANCE WITH THIS SECTION.

(b) DURING THE NINETY-DAY PERIOD SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION, OR SUCH LESSER TIME AS IS REQUIRED TO SATISFY SUCH REQUIREMENT, THE COUNTY MAY ELECT NOT TO ISSUE ANY BUILDING OR OCCUPANCY PERMIT FOR ALL OR ANY PORTION OF THE LAND AREA THAT IS THE SUBJECT OF THE DISCONNECTION APPLICATION.

(c) ANY COUNTY MAY COMMENCE THE PROCEDURE SPECIFIED IN ITS OWN SUBDIVISION REGULATIONS TO SUBDIVIDE THE TRACT OF LAND THAT IS THE SUBJECT OF THE DISCONNECTION APPLICATION AT ANY TIME AFTER THE DISCONNECTION HAS BEEN COMPLETED AND THE ORDINANCE HAS BEEN FILED WITH THE COUNTY CLERK AND RECORDER IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION; EXCEPT THAT THE COUNTY SHALL NOT MAKE A FINAL DECISION APPROVING THE SUBDIVISION UNTIL ZONING AFFECTING THE PARTICULAR TRACT OF LAND HAS BEEN ENACTED IN ACCORDANCE WITH SUBSECTION (5)(a) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 31-12-603, **amend** (2) as follows:

31-12-603. Hearing - decree - proviso. (2) If an area has been annexed to a city for a period of two years and then successful action is undertaken to disconnect such area, ~~the zoning placed on the area by the city shall remain in force and effect after disconnection unless and until changed by the county~~ DISCONNECTED LAND SHALL BE MADE SUBJECT TO THE APPLICABLE COUNTY'S ZONING RESOLUTION AND MAP AND OTHER LAND DEVELOPMENT REGULATIONS WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THE DISCONNECTION AS DESCRIBED IN SECTION 31-12-501 (5).

SECTION 3. In Colorado Revised Statutes, **amend** 31-12-704 as follows:

31-12-704. Hearing - decree - proviso. Upon the filing of such petition in the district court, the judge shall set a date for a hearing, not less than forty days nor more than sixty days thereafter. ~~It is the duty of~~ The clerk of ~~said~~ THE court ~~to cause~~ SHALL SERVE a copy of ~~such~~ THE petition and a notice of the date and the time set for such hearing ~~to be served~~ upon the mayor of the town. The same ~~shall~~ MUST be served at least thirty days prior to the hearing on such petition by the court. Upon the hearing and proof of the facts set forth in such petition, ~~it shall be determined~~ THE COURT SHALL DETERMINE whether ~~such~~ THE tracts of land should be disconnected from ~~said~~ THE town, and the judge shall enter an order or decree accordingly. When a town has improved any of the highways passing through or

adjoining said tracts of land by the construction and maintenance by ~~said~~ THE town of any special improvements along, under, or over the same for a period of more than two years prior to the presentation of the petition, the petitioners ~~shall not be~~ ARE NOT entitled to disconnect the land under the provisions of this part 7. ANY DISCONNECTED LAND SHALL BE MADE SUBJECT TO THE APPLICABLE COUNTY'S ZONING RESOLUTION AND MAP AND OTHER LAND DEVELOPMENT REGULATIONS WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THE DISCONNECTION AS DESCRIBED IN SECTION 31-12-501 (5).

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect September 1, 2020; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications for disconnection submitted on or after the applicable effective date of this act.

Approved: April 1, 2020