



Commerce City

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Council Communication

File Number: Ord 2411

Agenda Date: 8/15/2022

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

AN ORDINANCE AMENDING SECTIONS 21-3320 AND 21-3340 OF THE LAND DEVELOPMENT CODE RELATING TO STANDARDS FOR ANNEXATION AGREEMENTS

Summary and Background Information:

The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. This Land Development Code was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics dealing with development and land use, such as application types, zoning districts, use standards, subdivision procedures, design standards, and signs.

Thousands of items are included within the Land Development Code and overall, the updated code has been a tremendous help to staff and applicants when reviewing development proposals.

While the Land Development Code will receive another comprehensive update in the next 1.5 years, certain changes or amendments are necessary and helpful. In the meantime, amendments to specific sections are needed to guide future development, protect neighborhoods, focus on development, and enhance the environment. The amendment proposed in Ordinance 2411 modernizes the annexation agreements section through updated legal language and aligns it with established processes the City is performing.

Specifically, amendments to Section 21-3320 Pre-Annexations Agreements and Section 21-3320 Annexation Approval Criteria are proposed. The first section, 21-3320, includes four changes, "Pre" is removed from "Pre-Annexation" throughout the section to reflect updated terminology, coordination with the Development Review Team (DRT) and City Council is included during the negotiation of any annexation agreement, an annexation agreement must now be fully-executed by all property owners and provided to the City at least 10 days prior to any first reading by Council, and the City Manager shall execute all annexation agreements, subject to Council ratification.

The second section, 21-3340, similarly has four changes, an annexation must also comply with the Municipal Annexation Act of 1965 and the Constitution of the State of Colorado, an annexation must also be consistent with all other adopted city plans and policies, any proposed annexation shall follow all pertinent intergovernmental agreements, and any preexisting vested property rights have been waived as a condition of an annexation unless otherwise agreed to. Please note that there are no proposed changes to the

overall approach of annexation agreements, their requirements, administration, or their purpose.

On July 19, 2022, the city's Planning Commission voted 5-0 to recommend approval to City Council.

The complete final language for the proposed amendments is within the council packet.

Staff Responsible (Department Head): Jim Tolbert, Community Development

Staff Presenting: Nathan Chavez, City Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approval of the LDC amendments

Suggested Motion: I move that the City Council approve Ordinance 2411 amending the provisions related to annexation agreements.