



**PLANNING AND DEVELOPMENT SERVICES**

**URBAN PLANNING OFFICE**

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A COMMUNITY OF CHOICE

UDC Amendment Staff Report  
UDC Section 2.4.2, Annexations

Case Number: PLN-13-00015  
Planner: Jim Flesher  
Meeting Dates: Planning Commission: September 16, 2013  
City Council: September 23, 2013 (referral to committee)  
Submitted by: Councilmember Sean Allen

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Summary

On July 12, 2013, Councilmember Sean Allen emailed a draft ordinance to Dan White, City Attorney, regarding Section 2.4.2, Annexations, of the Cheyenne Unified Development Code (UDC). After some discussion it was agreed that the section of the UDC on annexations should only refer to state statute.

Staff recommends approval of the ordinance.

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Background

Historically, the annexation process included a public hearing at a City Council meeting as required by statute, followed by introduction of a resolution finding compliance with statutory eligibility requirements and referral of the resolution to Public Services Committee (PSC) for review and recommendations, then final reading of the resolution, followed by introduction of an ordinance annexing the property at the following Council meeting, which was referred to PSC, followed by the second reading at Council, PSC, and third reading at Council.

The process has been shortened considerably by conducting the public hearing and introducing both the resolution and ordinance at the same Council meeting. State statute does not require the resolution for annexations that are voluntary where the owner is petitioning the City to annex his or her land; only for "forced" annexations where the City is annexing land without a petition. However, when the UDC was adopted, the current process including the resolution provision was included.

The proposed ordinance would remove provisions relating to annexations from the UDC and have it simply refer to state statute. If approved by Council, the step of adopting a resolution finding compliance with state statute would be eliminated and the annexation ordinance would fulfill that requirement. Petitions for annexation would still be required to meet the requirements of Section 1.16.030 of City Code and a public hearing would still be conducted at a Council meeting.

While this UDC amendment was not proposed with the 2013 Annual Review, it is considered a minor amendment and staff recommends the Planning Commission forward a recommendation of approval to the Governing Body.

At its regular meeting on Monday, September 16, 2013, the Cheyenne Planning Commission recommended approval of the proposed UDC amendment.

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Reviewing Agency and Reviewers Comments: None.

Agencies Responding without Comment: City Attorney.

Agencies Not Responding: None.

Other Comments Received: None.

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Encl: Draft Ordinance

cc: Councilmember Allen  
File