

ORDINANCE NO. 2410  
INTRODUCED BY: Padilla

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,  
ADOPTING DISCONNECTION PROCEDURES BY AMENDING CHAPTER 17 ARTICLE 2 OF THE  
BRIGHTON MUNICIPAL CODE

WHEREAS, the City of Brighton, Colorado (the “City”) is a home rule municipal corporation duly organized and existing under the City’s Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the *Brighton Municipal Code* contains certain provisions related to land use and zoning set forth in Chapter 17, also known as the *Land Use and Development Code* (“LUDC”); and

WHEREAS, the City desires to exercise its home rule authority to amend the LUDC to adopt the disconnection procedures similar to those set forth in Colo. Rev. Stat. § 31-12-501, *et seq.*

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Section 2.11 of the LUDC is hereby amended as follows:

2.11 – Annexation and Disconnection

(E) Disconnection. When the owner of a tract of land within and adjacent to the boundary of the City of Brighton desires to have said tract disconnected from the City of Brighton, such owner may apply to the City Council of the City of Brighton for the enactment of an ordinance disconnecting such tract of land from the City of Brighton. 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 of the Colorado Revised Statutes prior to such date that are possessed by the owner of the tract shall be expired or relinquished.

1. Not more than thirty days after receiving the notice required by subsection (E) of this section, either the board of county commissioners or the board of directors of any affected special district may request a meeting with the owner and the City Council, or its appointee, to discuss and address any negative impacts on the county or the special district that would result from the disconnection. If such meeting is requested, the owner and the City Council or its appointee shall meet with either the board of county commissioners, or its appointee, or the board of any affected special district, or its appointee, not more than thirty days after the meeting was requested. Failure by either the board of county commissioners or the board of any affected special district to request a meeting constitutes an acknowledgment by the particular board that the disconnection will not adversely affect the county or an affected special district, as applicable.

- (a) As used in subsection (E)(1), “affected special district” means any special district that by its service plan or pursuant to an intergovernmental agreement is or will be expected to provide service to the tract of land that is the subject of the disconnection application.
  - (b) For purposes of subsection (E)(1), “negative impact” includes any change in the level or extent of services being provided to the tract of land by any special district.
2. On receipt of such application, the City Council shall give due consideration to the disconnection application, and, if the City Council is of the opinion that the best interests of the municipality will not be prejudiced by the disconnection of such tract, it shall enact an ordinance effecting such disconnection.
  3. If such ordinance is enacted, the Director shall record a copy of the disconnection ordinance with the applicable county clerk, at which time it shall become immediately effective. The applicant shall pay all required recording fees.

Section 2. All sections, subsections, and definitions of the LUDC not expressly amended or modified herein remain in full force and effect.

Section 3. The City Council finds and determines that the amendments set forth herein: (i) further the purpose of the LUDC; (ii) are in accordance with the Comprehensive Plan and have been considered for both their long-range effects and immediate impacts; (iii) promote the public safety, health, and general welfare of the community of the City of Brighton; and (iv) improve the effectiveness and efficiency of administering the LUDC.

Section 4. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 7<sup>TH</sup> DAY OF MARCH 2023.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY ON THIS 21<sup>ST</sup> DAY OF MARCH 2023.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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YASMINA GIBBONS, Deputy City Attorney