



# Commerce City

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## Council Communication

File Number: Ord 2515

**Agenda Date:** 7/24/2023

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council

**File Type:** Ordinance

FIRST READING OF AN ORDINANCE AMENDING SECTION 21-3210 OF THE CITY OF COMMERCE CITY LAND DEVELOPMENT CODE ADDING FOUNDATION-ONLY PERMITS AND EXTENSIONS THERETO AS BUILDING PERMIT TYPES FOR REVIEW AND APPROVAL

### Summary & Background

The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. The 2009 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. The existing LDC and regulations guide development to ensure consistent and orderly processes. Amendments to the LDC are proposed to clarify and streamline processes and requirements for future development.

A project owner may not begin construction of any aspect of a proposed building until after a full set of building construction documents has been submitted, reviewed, and approved. For larger projects, there may be delays in construction due to the review time required for the full scope and size of a proposed building.

Ordinance 2515 introduces Foundation-Only Permits, which allows applicants to begin construction of the foundation of a proposed building prior to full approval of the entire structure. When a Foundation-Only Permit is submitted, building construction documents for the project must accompany the permit in order for City Staff to determine if the proposed foundation and building comply with City codes and standards. Consideration of a Foundation-Only Permit may occur when a complete application for a Development Plan, PUD Development Permit, or plat is under review.

There are limitations to a Foundation-Only Permit. A Foundation-Only Permit cannot be issued for single-family buildings, a site where a Grading Permit or Early Grading Permit has not been obtained, or if the proposed building or structure is not a use-by-right pursuant to existing zoning. In addition, the permit must meet one of the following: the building or structure is within an Urban Renewal Area; it will be for multi-family with affordable housing available for persons at 80% area median income or below; or it is commercial or multi-family residential with 250,000 square feet or more of total building square footage.

In addition, Ordinance 2515 includes extensions to the Foundation-Only Permit, which allows an applicant to continue with vertical construction above the foundation to include floor(s) and roof construction, bearing walls and columns. However, no extensions to allow for vertical construction shall be approved unless the city has received a building permit application for the full building, submitted documents containing no structural deficiencies, and the completed foundation construction has no outstanding violations.

The Foundation-Only Permit and corresponding extensions require the applicant, developer, and property owner to provide a surety securing the removal of any permitted foundation and remediation of the property in case future required approvals are not granted, as well as execute an assumption of risk and a release of all rights and claims of any type whatsoever, including any claim of vested rights, against the City relating to the permit and extension request. Lastly, a Building Permit is still required for all other aspects of the proposed construction including a certificate of occupancy.

**Staff Responsible (Department Head):** Tricia McKinnon, Acting Community Development Director

**Staff Presenting:** Nathan Chavez, City Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:** Approval of Ordinance 2515

**Action Alternatives:**

Deny the ordinance; or

Continue the application to a subsequent City Council hearing.

**Potential Motions:**

**Approval**

I move that the City Council approve the proposed Land Development Code text amendment contained in Ordinance 2515.

**Denial**

I move that the City Council deny the proposed Land Development Code text amendment contained in Ordinance 2515.

**Continuance**

I move that the City Council continue discussion of the proposed Land Development Code text amendment contained in Ordinance 2515 to:

The next regularly scheduled City Council hearing; or  
A date certain.