

ORDINANCE NO. 2452

INTRODUCED BY: ALLEN-THOMAS, DAVIS, DOUGLAS, FORD, HURST, HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING SECTIONS 21-5200, 21-5248, AND 21-11200 OF THE CITY OF COMMERCE CITY LAND DEVELOPMENT CODE RELATING TO THE LAND USE TABLE, DEFINITIONS, AND SUPPLEMENTAL REGULATIONS FOR LODGING ESTABLISHMENTS BY AMENDING THE LODGING ROOM MINIMUM, AND CREATING CONSISTENCY IN THE LAND USE TABLE.

WHEREAS, hotel development and travel needs have changed considerably since the adoption of the City of Commerce City Land Development Code (“LDC”) in 2009 and the majority of new hotels contain less than 150 rooms due to financial costs and franchising requirements;

WHEREAS, the E-470 corridor provides convenient proximity to Denver International Airport and the greater Denver metro area and proximity to demand generators predicts hotel success;

WHEREAS, the City Council desires to attract lodging establishment developments to the City including the E-470 corridor through the reduction of existing room requirements for lodging establishments;

WHEREAS, the City Council considered revisions to the lodging establishment requirements of LDC § 21-5248 on October 17, 2022, in the context of proposed Ordinance 2423 on first reading and thereafter approved a conceptual amendment of that ordinance to revise the minimum number of rooms allowed in lodging establishments downward to 50 rooms;

WHEREAS, in order to incorporate this amendment, additional changes to the LDC were required, including an amendment to the definition of a Lodging Establishment to reflect City Council’s desire for a minimum size requirement throughout the City of Commerce City;

WHEREAS, an amendment to the specific land use within the Land Use Table at § 21-5200 of the LDC is necessary to create consistent language and use of Lodging Establishment as intended; and

WHEREAS, as a result of the changes to other sections of the LDC, it is necessary for City Council to review the changes anew, and on first reading, while providing the residents of Commerce City with additional notice and increased transparency.

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

SECTION 1. Findings. The recitals of this ordinance are incorporated as findings of the City Council. This ordinance is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments.

- a) Section 21-5248 - Lodging Establishments of the Land Development Code is hereby amended as set forth in Exhibit A to this ordinance, with the specific changes as depicted in Exhibit B to this ordinance.
- b) Section 21-11200 - Definitions of the Land Development Code is hereby amended as set forth in Exhibit C to this ordinance, with the specific changes as depicted in Exhibit D to this ordinance.
- c) Sec. 21-5200 - Land Use Table of the Land Development Code is hereby amended as set forth in Exhibit E to this ordinance, with the specific changes as depicted in Exhibit F to this ordinance.

SECTION 3. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 21ST DAY OF NOVEMBER 2022.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS ____ DAY OF _____, 20__.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A TO ORDINANCE 2452

BEGIN

Sec. 21-5248. – Lodging Establishments.

- 1) *Size Requirements.* Lodging establishments shall contain a minimum of 50 guest lodging rooms.
- 2) *Length of Stay.* The length of stay at any lodging establishment shall not exceed 30 days within any 90-day period, except that in the case of extended stay establishments the length of stay shall not exceed 180 consecutive days.
- 3) *Kitchens Restricted.* In-room kitchen facilities shall be allowed only in extended stay or lodging "suite" establishments.
- 4) *Guest Services.* Lodging establishments shall include typical guest services such as offices, food service, recreation or similar accommodation to support overnight-guests.

[END OF EXHIBIT A TO ORDINANCE 2452]

EXHIBIT B TO ORDINANCE 2452

(Underlined text indicates new material; strikethrough text indicates deletions.)

BEGIN

Sec. 21-5248. – Lodging Establishments.

- 1) Size Requirements. Lodging establishments ~~located within one mile of E-470~~ shall contain a minimum of ~~450~~50 guest lodging rooms.
- 2) Length of Stay. The length of stay at any lodging establishment shall not exceed 30 days within any 90-day period, except that in the case of extended stay establishments the length of stay shall not exceed 180 consecutive days.
- 3) Kitchens Restricted. In-room kitchen facilities shall be allowed only in extended stay or lodging "suite" establishments.
- 4) Guest Services. Lodging establishments shall include typical guest services such as offices, food service, recreation or similar accommodation to support overnight-guests.

[END OF EXHIBIT B TO ORDINANCE 2452]

EXHIBIT C TO ORDINANCE 2452

BEGIN

Sec. 21-11200. – Definitions .

- 1) *Lodging Establishment* shall mean a commercial establishment, building, buildings, or premises where guest lodging is offered for compensation.

[END OF EXHIBIT C TO ORDINANCE 2452]

EXHIBIT D TO ORDINANCE 2452

(Underlined text indicates new material; strikethrough text indicates deletions.)

*****BEGIN*****

Sec. 21-11200. – Definitions .

- 1) *Lodging Establishment* shall mean ~~an~~ a commercial establishment, building, buildings, or premises ~~with more than 20 sleeping rooms~~ where guest lodging is offered for compensation.

[END OF EXHIBIT D TO ORDINANCE 2452]

EXHIBIT E TO ORDINANCE 2452

*****BEGIN*****

Sec. 21-5200. Land Use Table.

Uses Allowed

Uses Allowed by Zoning District																		
R = Allowed by Right P = Use by Permit C = Conditional Use Permit OG = Oil & Gas Permit Blank Cell = Excluded																		
Use Classification	Specific Use Type	NAICS Code	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-1S	I-2	I-3	AG	Public	Additional Regulations
RESIDENTIAL USE																		
Visitor Accommodations	Bed and breakfast establishments		P	P	P	P		R								R		
	Lodging establishments								P	R	R	R						21-5248
	Overnight campground															P	P	

[END OF EXHIBIT E TO ORDINANCE 2452]

EXHIBIT F TO ORDINANCE 2452

(Underlined text indicates new material; strikethrough text indicates deletions.)

*****BEGIN*****

Sec. 21-5200. Land Use Table.

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RESIDENTIAL USE																		
Visitor Accommodations	Bed and breakfast establishments		P	P	P	P		R								R		
	Hotel or motel Lodging establishments								P	R	R	R						21-5248
	Overnight campground															P	P	

[END OF EXHIBIT F TO ORDINANCE 2452]