

ORDINANCE NO. 2307

INTRODUCED BY: _____

AN EMERGENCY ORDINANCE OF THE CITY OF COMMERCE CITY, COLORADO
AMENDING SECTION 21-3210 OF THE LAND DEVELOPMENT CODE TO PERMIT
PHASED APPROVALS FOR CERTAIN BUILDING PERMIT APPLICATIONS PENDING
FULL CONSTRUCTION PLAN SUBMITTAL OR PLAT OR ZONING AMENDMENTS

WHEREAS, pursuant to the Charter of the City of Commerce City and the Constitution and laws of the State of Colorado, the City Council of the City of Commerce City ("City") has broad zoning authority and has enacted zoning regulations in its Land Development Code, including standards governing the issuance of permits for the construction of buildings in the City;

WHEREAS, allowing the issuance of building permits for the construction of foundations of buildings only in limited circumstances would assist the City in retaining imminent, beneficial economic development opportunities and enhance financing opportunities for development in the City without endangering the public health, safety, and welfare;

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

SECTION 1 - FINDINGS. The City Council finds and determines that during that: (a) the recitals to this ordinance are incorporated as findings of the City Council; and (b) this ordinance is declared to be an emergency ordinance and is enacted pursuant to Section 5.4 of the Charter. The passage of this emergency ordinance is immediately necessary for the preservation of the public health, safety, and welfare for the reasons set forth in this ordinance.

SECTION 2 – AMENDMENT. Section 21-3210 of the Land Development Code is amended and renumbered as set forth in Exhibit A.

SECTION 3 – EFFECT ON EXISTING LAWS. All ordinances, resolutions, and policies of the City that are inconsistent with this ordinance are repealed by this ordinance to the extent of such inconsistency.

INTRODUCED AND PASSED AS AN EMERGENCY ORDINANCE AND PUBLIC NOTICE ORDERED THIS 16TH DAY OF NOVEMBER, 2020.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Blue text underlined indicates addition; red strikethrough text indicates deletion.

21-3210. Building and Sign Permits

(1) *Description.* A building permit allows the permit holder to undertake construction of a project; a sign permit allows a person to install and/or display a sign.

(2) *Requirement.* No person shall erect, construct, enlarge, alter, repair, improve, remove, convert, move, or demolish any building or structure without obtaining a building permit. No person shall erect or display a sign without obtaining a sign permit.

(3) *Review.* The building official reviews building and sign permit applications and is authorized to approve, approve with conditions, or deny the applications based on the approval criteria outlined below.

(4) *Approval Criteria.* Permits may be issued if:

(a) The proposed development is consistent with any previously approved subdivision plat, development permit, zoning, site plan, or other land use approval;

(b) The proposed development complies with all applicable city standards and codes, unless a minor modification or a variance has been granted;

(c) There is no evidence to suggest that the development violates any federal, state, or local requirements; and

(d) All development fees have been paid in full.

(5) *Phased Approval.*

(a) With the approval of the Director based upon a finding that the proposed development would create a positive precedent for the future cumulative development of the immediate area, the building official may issue a limited building permit for the construction of all or part of the foundation of a building or structure only, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this Code, in either of the following circumstances:

(1) before construction documents for the entire building or structure have been submitted or approved; or

(2) where a concurrently filed application is under review that, if approved, would modify a plat or zoning document to allow the building or structure to comply with this code and such plat or zoning document has been recommended for approval by the Director, except where the proposed use of the building or structure would not be permitted under the existing zoning.

Such limited building permits shall be subject to the requirements of subsection (4) except to the extent allowed by this subsection.

(b) A building permit issued under this subsection may only be issued if the building or group of buildings for which the permit is applicable is non-residential and equal to or exceeds 250,000 square feet of total building square footage;

(c) The applicant, developer, and property owner shall proceed under any building permit issued pursuant to this subsection at their own risk and without assurance or representation that a permit for the entire building structure will be approved or plat or zoning document will be approved in a manner that would allow the building or structure. Before issuing of a building permit under this subsection, the applicant, developer, and property owner must execute releases, in a form acceptable to the City, of all rights and claims of any type whatsoever against the City relating to the permit and reliance thereon and indemnifying the City from any claim for damages. Payment of impact fees may be delayed for such permits until the issuance of a full building permit.

~~(56)~~ *Appeal.* The denial of a building or sign permit based upon any standard contained in this land development code may be appealed to the board of adjustment. The denial of a building or sign permit for any other reason may be appealed to the building board of appeals.

~~(67)~~ *Lapse.* If the work described in a permit is not commenced within six months, or substantially completed within two years of the date the permit was issued, the permit shall automatically lapse and be null and void.

~~(78)~~ *Certificate of Occupancy.* No land or building may be changed in use, nor may any new structure, building, or land be occupied or used, unless a certificate of occupancy or completion has been issued by the city. As long as the proposed use, or the structure intended to be occupied, complies with the provisions of this land development code and all other laws and regulations of the city, a certificate of occupancy or completion shall be issued.

~~(89)~~ *Application Inactivity.* In the event that an applicant, having been notified that additional information or corrected materials are required, fails to submit such information or materials within the time specified in the building code or the residential code, as applicable, the application shall be deemed inactive and shall be considered withdrawn and any permit issued pursuant to subsection (5) shall be deemed automatically revoked.

END