

ORDINANCE NO. 2354

INTRODUCED BY: _____

AN ORDINANCE REQUIRING A PUBLIC HEARING PROCESS FOR ALL FINAL PLATS AND CONSOLIDATION PLATS ZONED FOR ANY RESIDENTIAL USE THROUGH APRIL 4, 2021, AND TEMPORARILY AMENDING THE COMMERCE CITY LAND DEVELOPMENT CODE

WHEREAS, Sections 21-3241 and 21-3243 of the Commerce City Land Development Code (“LDC”) provide for the administrative review and determination of final plats and consolidation plats, respectively, except when a public hearing process before the Planning Commission and the City Council are required in certain circumstances that include, among other things, a request by the City Council that the application be reviewed through the public hearing process before the date schedule for administrative approval;

WHEREAS, by motion on October 4, 2021, the City Council requested, pursuant to Section 21-3241(4)(d) of the LDC, that all final plats for property containing any residential uses be reviewed through the public hearing process through April 4, 2022;

WHEREAS, the City Council desires to establish the request by ordinance and to include consolidation plats;

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

SECTION 1. Findings. The recitals to 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. Request for Public Hearing Process. From the effective date of this ordinance through April 4, 2022, all applications for final plats and consolidation plats for property zoned for any residential uses shall be reviewed through the public hearing process provided in Sections 21-3241(2)(b) or 21-3243(2)(b) of the LDC, as applicable. No separate request by the City Council for review of final plats and consolidated plats subject to this ordinance shall be required, except for applications returned to administrative review procedures upon expiration of this ordinance.

SECTION 3. Expiration; Effect on Pending Applications. This ordinance and the requirement established herein shall expire at midnight on April 4, 2022, unless previously repealed, except with regard to the following terms for the disposition of pending applications: upon the expiration of the ordinance and request, any applications affected by this ordinance shall be reviewed as follows: (a) applications for which a public hearing has been opened by the Planning Commission or the City Council or are otherwise under consideration by either body after the opening of such hearing shall continue through the public hearing process as provided by Sections 21-3241(2)(b) or 21-3243(2)(b) of the LDC, as applicable; or (b) all other applications shall be subject to the review process as provided in Sections 21-3241(2)(a) or 21-3243(2)(a) of the LDC, as applicable, provided new notices of administrative approval shall be issued for any

applications that are awaiting a public hearing before the Planning Commission.

SECTION 4. Repealer. The City Council’s motion of October 4, 2021, requesting a public hearing process for all final plats containing residential uses through April 4, 2022, is hereby rescinded. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby amended or repealed to the extent of such inconsistency through and including April 4, 2022, after which date this ordinance shall have no effect except as specifically provided herein and such ordinances affected by this ordinance shall have full effect, except as they may have been modified by separate ordinance in that time.

SECTION 5. Effective Date. This ordinance shall be effective as provided in the City Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 18TH DAY OF OCTOBER 2021.

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