

ORDINANCE NO. 2420

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

AN ORDINANCE AMENDING SECTIONS 21-5200 AND 21-11200 OF, AND ADDING SECTION 21-5263 TO, THE LAND DEVELOPMENT CODE RELATING TO ALLOWING LIMITED COMMERCIAL USES IN CERTAIN R-3 (MULTI-FAMILY RESIDENTIAL) DISTRICTS NEAR TRANSIT STATIONS.

WHEREAS, the City Council of the City of Commerce City adopted the Land Development Code ("LDC"), effective March 1, 2009, by Ordinance 1720, which has been amended from time to time;

WHEREAS, ongoing development has identified a need to amend LDC provisions relating to and regulating the zoning of land uses in the R-3 Multi Family Residential District, to permit ancillary uses of a commercial nature in the immediate vicinity of commuter rail stations that support and complement transit within multi-family residential districts; and

WHEREAS, the City Council desires to add such uses subject to appropriate regulation and standards.

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 support the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendments.

- a) Section 21-5200 (Land Use Table) of the Land Development Code is hereby amended as set forth in Exhibit A to this ordinance, with the specific additions 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 A to this ordinance, with the specific additions as depicted in Exhibit B to this ordinance.
- c) Section 21-5263 (Transit Oriented Development Accessory Uses) is added to the Land Development Code, amending it as set forth in Exhibit A to this ordinance, with the specific additions as depicted in Exhibit B 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other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency.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 15TH DAY OF AUGUST 2022.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 19TH DAY OF SEPTEMBER 2022.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A TO ORDINANCE 2420

*****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
COMMERCIAL USES																		
Eating and Drinking Establishments	Restaurant without drive-thru/up				**			R	R	R	R	R						21-5268
Food and Beverage Sales	Convenience Store/Grocery Store (<5,000 sf)				**			R	R	R	R	R						21-5268
	All other similar uses (e.g., delicatessen, retail bakery, specialty food market, coffee shop)				**			R	R	R	R	R						21-5268
Office	Business or professional (excluding medical/dental office/clinics)				**			R	R	R	R	R						21-5268
Personal Services	Instructional services, studios				**			R	R	R	R	R		R	R			21-5268
Retail Establishments	Retail business store <25,000 square feet				**			R	R	R	R	R						21-5268
PUBLIC, INSTITUTIONAL, and CIVIC USES																		
Arts and Cultural Uses	Arts and cultural uses				**			R	R	R	R	R		R	R		R	21-5268

*In accordance with section 21-5254.

**In accordance with section 21-5268.

Sec. 21- 5268. - Transit Oriented Development Accessory Uses.

- (1) *General Standards.* All allowed commercial uses within a R-3 zone district shall comply with the following standards:
 - (a) Clearly incidental and accessory to the primary use of multi-family residential;
 - (b) Located within 1500 feet of a commuter rail station property;
 - (c) Limited to a maximum of 10,000 sf per building, or 10% of the total land area, whichever is greater, and be fully contained on the ground floor;
 - (d) Located with frontage on the primary street; and
 - (e) Have direct pedestrian access from primary street frontage.

Sec. 21-11200. - Definitions.

- (1) *Commuter Rail Station* shall mean a railway facility or area for the purpose of loading and unloading passengers. Commuter rail stations are open-air structures featuring passenger canopies for protection from adverse weather conditions; platforms to accommodate four-car trains; transition plazas that contain passenger services, and are found between the platform and intermodal passenger transport access; and an intermodal passenger transport area, where intermodal transport is available to and from the facility.

[END OF EXHIBIT A TO ORDINANCE 2420]

EXHIBIT B TO ORDINANCE 2420

(Underlined text indicates new material; there were no deletions.)

*****BEGIN*****

Sec. 21-5200. Land Use Table.

Uses Allowed

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Food and Beverage Sales	Convenience Store/Grocery Store (<5,000 sf)				**			R	R	R	R	R						21-5268
	All other similar uses (e.g., delicatessen, retail bakery, specialty food market, coffee shop)				**			R	R	R	R	R						21-5268
Office	Business or professional (excluding medical/dental office/clinics)				**			R	R	R	R	R						21-5268
Personal Services	Instructional services, studios				**			R	R	R	R	R		R	R			21-5268
Retail Establishments	Retail business store <25,000 square feet				**			R	R	R	R	R						21-5268
PUBLIC, INSTITUTIONAL, and CIVIC USES																		
Arts and Cultural Uses	Arts and cultural uses				**			R	R	R	R	R		R	R		R	21-5268

*In accordance with section 21-5254.

** In accordance with section 21-5268.

Sec. 21- 5268. - Transit Oriented Development Accessory Uses.

- (1) General Standards. Allowable accessory commercial uses within an R-3 zone district shall be:
 - (a) Clearly incidental and accessory to the primary use of multi-family residential;
 - (b) Located within 1500 feet of a commuter rail station property;
 - (c) Limited to a maximum of 10,000 sf per building, or 10% of the total land area, whichever is greater, and be fully contained on the ground floor;
 - (d) Located with frontage on the primary street; and
 - (e) Have direct pedestrian access from the primary street frontage.

Sec. 21-11200. - Definitions.

- (1) Commuter Rail Station shall mean a railway facility or area for the purpose of loading and unloading passengers and characterized by open-air structures featuring passenger canopies for protection from adverse weather conditions; platforms to accommodate four-car trains; transition plazas that contain passenger services, and are found between the platform and intermodal passenger transport access; and an intermodal passenger transport area, where intermodal transport is available to and from the facility.

[END OF EXHIBIT B TO ORDINANCE 2420]