

ORDINANCE NO: 2187

INTRODUCED BY:

AN ORDINANCE AMENDING SECTION 21-7238 OF THE LAND DEVELOPMENT CODE PROVIDING FOR MINOR MODIFICATIONS RELATING TO OFF-STREET PARKING REQUIREMENTS

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

WHEREAS, the ongoing application and interpretation of the Land Development Code has identified a need to amend the provisions relating to hardship reductions justifying minor modifications to off-street parking requirements;

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

SECTION 1. Section 21-7238(3) of the Land Development Code relating to Hardship Reductions for Minor Modifications to Off-Street Parking Requirements is amended as set forth in Exhibit A, which is attached and incorporated by reference.

SECTION 2. This ordinance is necessary and appropriate to protect the public health, safety, and welfare and in the general public interest.

SECTION 3. Except as specifically modified herein, the provisions of the Land Development Code shall remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 19TH DAY OF NOVEMBER, 2018.

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

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

EXHIBIT A TO ORDINANCE 2187

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

Sec. 21-7238(3) of the Land Development Code is amended as follows:

Sec. 21-7238. Minor Modifications Related to Off-Street Parking Requirements

- (3) Hardship Reductions. The director may reduce or waive up to 20 percent of the parking requirements, or a minimum of 1 space, for a new development, change in use, or expansion of structure, when criterion (a) and one additional of the following approval criteria are met:
- (a) With the exception of housing for the elderly or disabled, the structure housing the use was designed and intended for nonresidential use; and
 - (b) The owner or developer substantiates that the provision of additional parking would entail severe hardship; or
 - (c) Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use; or
 - (d) The nature of operational aspects of the use warrants unique parking arrangements; ~~and~~ or
 - (e) Sufficient evidence is provided demonstrating how the unique circumstances of the proposed use(s) do not generate the traffic and/or parking demand met by normal code.

[END OF EXHIBIT A TO ORDINANCE 2187]