



Legislation Details (With Text)

**File #:** Ord 2185      **Version:** 1      **Name:** LDC Updates - Minor Amendments to Height Exceptions

**Type:** Ordinance      **Status:** Passed

**File created:** 10/18/2018      **In control:** City Council

**On agenda:** 12/17/2018      **Final action:** 12/17/2018

**Title:** AN ORDINANCE AMENDING SECTION 21-3220 OF THE LAND DEVELOPMENT CODE RELATING TO HEIGHT EXCEPTIONS

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance - Final, 2. Ordinance, 3. Staff Report, 4. Presentation

Date	Ver.	Action By	Action	Result
12/17/2018	1	City Council	approved on second & final reading	
11/19/2018	1	City Council	introduced by council as seated and approved on first reading	Pass

AN ORDINANCE AMENDING SECTION 21-3220 OF THE LAND DEVELOPMENT CODE RELATING TO HEIGHT EXCEPTIONS

**Summary and Background Information:**

The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. This Land Development Code was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics dealing with development and land use, such as application types, zoning districts, use standards, subdivision procedures, design standards and signs. Thousands of items are included within the Land Development Code and overall, the updated code has been a tremendous help to staff and applicants when reviewing development proposals.

The Land Development Code is a “living document” that acts as a tool to guide future development of a community, protect neighborhoods, focus development, and enhance the environment. As a part of the public review process for the LDC, it was mentioned that the code would be an “on-going work in progress,” and that this document would continually evolve to reflect the needs and desires of the city. To implement this, changes or amendments are implemented periodically.

Since 2010, the Planning Commission and City Council have reviewed and approved a variety of updates to the Land Development Code. Some of these updates were topic specific (floodplain, marijuana, and telecommunications) while others have been general minor amendments which work to advance the goals and desires of the community. This year, there are 35 proposed minor amendments to the LDC in five general categories: additions to the Land Use Table; new definitions; updating various fencing standards; updating various design standards; and clarifying certain

processes. For legal clarity, some of these will be adopted as separate ordinances.

The intent of these revisions is to make minor changes, additions, or deletions to the LDC in order to continue to meet the needs of the community. Therefore, major revisions to the LDC have not been incorporated into this round of updates and will be discussed and examined in detail at a future date. Staff will continue to monitor issues that arise in the future and track those issues in order to make necessary changes in the future. Therefore, City Council should expect to see additional amendments in the future in order to ensure that the LDC is meeting the needs of the community.

The amendment proposed in Ordinance 2185 will add a new description for the Height Exception process and update the approval criteria to match. There currently is no description for this process, and at times it has been unclear for staff and applicants what the purpose of this process is. Having a description (similar to most other processes) will make it more explicit in what situations a Height Exception can be applied for and how a decision will be determined.

Study sessions were held with Planning Commission on February 6, 2018 and with City Council on June 11, 2018 to discuss the proposed amendments and provide feedback. Comments were incorporated into the proposed amendments, and on November 7, 2018 Planning Commission voted 5 to 0 to recommend approval to City Council. The complete final language for the proposed amendments is within the council packet.

**Staff Responsible (Department Head):** Chris Cramer, Director of Community Development  
**Staff Member Presenting:** Caitlin Hasenbalg Long

**Financial Impact:** N/A  
**Funding Source:** N/A

**Planning Commission Recommendation:**  
Approval

**Suggested Motion:**  
I move to approve Ordinance 2185