



Legislation Details (With Text)

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On agenda: 3/18/2024 **Final action:**

Title: AN ORDINANCE REPEALING ORDINANCE NO. 2453 IMPOSING A MORATORIUM UPON THE CITY'S PROCESSING OF APPLICATIONS FOR APPROVAL OF NEW SERVICE PLANS FOR RESIDENTIAL METROPOLITAN DISTRICTS

Sponsors:

Indexes:

Code sections:

Attachments: 1. Council Communication, 2. Ordinance 2573, 3. February 26, 2024 Study Session Video, 4. February 26 Study Session Agenda with Supporting Documents, 5. February 15, 2024 Special District Listening Session Video, 6. Ordinance 2453 - Enacting a Moratorium, 7. Written Comment

Date	Ver.	Action By	Action	Result
3/18/2024	1	City Council	introduced by council as seated and approved on first reading	Fail

AN ORDINANCE REPEALING ORDINANCE NO. 2453 IMPOSING A MORATORIUM UPON THE CITY'S PROCESSING OF APPLICATIONS FOR APPROVAL OF NEW SERVICE PLANS FOR RESIDENTIAL METROPOLITAN DISTRICTS

Summary and Background Information:

Council enacted Ordinance 2453 in December of 2022. This ordinance placed a moratorium on the creation of new residential metropolitan districts. A residential metro district is defined as any district with greater than 10% of its property intended for residential use. While staff may not process applications for new residential metro districts, applications for new commercial districts and amendments to residential and commercial districts are permitted.

After imposing this moratorium, Council directed Staff to develop enhanced regulations for metro districts. Staff has worked with outside counsel, with significant direction from Council and feedback from the public to do so. Ordinance 2549 and Resolution 2023-136 were passed by Council on November 27, 2023. Ordinance 2549 enacted updates to the municipal code and created new and enhanced regulations, while Resolution 2023-136 approved a new model service plan incorporating best practices and protections for residents.

Following the approval of these regulations, Council heard Ordinance 2555, which would have repealed the moratorium. The ordinance failed on first reading 4-4 on November 27, 2023. In the meantime, Council directed staff to bring back certain additional information on metro districts as well as potential alternative financing structures to metro districts. This information was presented to Council at the February 26, 2024 study session. At this study session, Council provided direction to staff to bring back an ordinance that would repeal the moratorium imposed by Ordinance 2453.

This ordinance would repeal the existing moratorium and allow developers to apply for new residential metro districts within Commerce City. These districts would have to be fully compliant with the new regulations and conform to the new model service plan as approved by Council. Additionally,

all service plans must be approved by Council at a public hearing. Under Title 32, CRS, which governs special districts, Council has broad latitude to deny an application for a service plan.

Staff Responsible (Department Head): Jason R. Rogers, AICP, City Manager

Staff Member Presenting: John Bourjaily, Management Analyst II

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Repeal the moratorium

Suggested Motion: Approve the ordinance on first reading