

ORDINANCE NO. 2688

AN ORDINANCE ADOPTING THE 2025 CITY OF COMMERCE CITY LAND DEVELOPMENT CODE, PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND PROVIDING HOW THE 2025 CITY OF COMMERCE CITY LAND DEVELOPMENT CODE WILL BE IMPLEMENTED

WHEREAS, the City of Commerce City (the “City”) is a home rule municipality and political subdivision of the State of Colorado (“State”) organized and existing under a home rule charter pursuant to Article XX of the Constitution of the State;

WHEREAS, pursuant to the Charter of the City (the “Charter”), the City has all legislative powers and functions of municipal government as reserved to it by the Constitution and laws of the State;

WHEREAS, in February 2009, the City adopted, via Ordinance Number 1720, a land development code (the “2009 Land Development Code” or “2009 LDC”) to consolidate the City’s zoning and land use regulations in a single code;

WHEREAS, the 2009 LDC has been amended numerous times since its initial adoption in 2009;

WHEREAS, the City began a process in 2021 to review and update its comprehensive plan, which had last been updated in 2010;

WHEREAS, since 2010, the city has undergone significant growth and an updated comprehensive plan was needed to reassess the City’s vision and goals to ensure that they aligned with the current and future needs of the community;

WHEREAS, after extensive community outreach, City Council adopted the Commerce City 2045 Comprehensive Plan (the “Comprehensive Plan”) on October 7, 2024 via Ordinance Number 2616, and the Comprehensive Plan became effective on November 1, 2024;

WHEREAS, a stated goal of the Comprehensive Plan is to “[a]lign the City’s zoning and development regulations in the Land Development Code with the Comprehensive Plan,” and in order to implement this goal and other stated goals and policies of the Comprehensive Plan, the City determined to redraft, reorganize, and modernize the City’s land development code;

WHEREAS, the City initiated a workplan in November 2022 to redraft the City’s land development code;

WHEREAS, the City retained Kendig Keast Collaborative through a request for proposals to develop and draft a new land development code;

WHEREAS, since initiating the workplan in November 2022, the City has conducted numerous public meetings to elicit input from the City’s residents, business owners, developers, and stakeholders on technical and policy issues concerning the redrafted land development code;

WHEREAS, public comment opportunities were also provided through publication of draft provisions of the land development code on the City’s website;

WHEREAS, City staff conducted numerous work sessions with City Council and the Planning Commission to elicit feedback on the draft land development code;

WHEREAS, copies of the draft land development code are available at the offices of the Department of Community Development and on the City’s website at: [https://www.c3gov.com/files/assets/city/v/1/cd-community-development/documents/land-development-code/250902-commerce-city\\_public-hearing-draft\\_clean\\_v2\\_2.pdf](https://www.c3gov.com/files/assets/city/v/1/cd-community-development/documents/land-development-code/250902-commerce-city_public-hearing-draft_clean_v2_2.pdf). (the “2025 Land Development Code” or “2025 LDC”);

WHEREAS, the Planning Commission reviewed the 2025 Land Development Code at a public hearing on September 2, 2025 and recommended approval of the 2025 Land Development Code to City Council;

WHEREAS, the City Council has determined that based on the evidence and information presented at the meeting held on October 6, 2025, that adoption of the 2025 Land Development Code will further the public health, safety, and welfare of the residents of the City;

WHEREAS, the City has committed to performing a comprehensive review of the zoning of all land within the boundaries of the City to ensure property is zoned consistently with the guidance of the Comprehensive Plan;

WHEREAS, the implementation of the 2025 LDC to land within the boundaries of the City will be in phases;

WHEREAS, City Council has determined that land within the boundaries of the City will not be subject to the 2025 LDC until (i) City Council has legislatively rezoned property into a zoning district contained in the 2025 LDC; or (ii) a property owner applies for initial zoning or a rezoning of a property;

WHEREAS, until land is legislatively rezoned into a zoning district contained in the 2025 LDC or a property owner rezones into a zoning contained in the 2025 LDC, land will remain subject to the 2009 LDC; and

WHEREAS, upon full implementation of the 2025 Land Development Code, all land within the boundaries of the City will be subject to an official zoning map adopted pursuant to the 2025 Land Development Code, following which the City will repeal the 2009 Land Development Code.

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 supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

**SECTION 2. Adopting by Reference.** The 2025 Land Development Code, entitled the “City of Commerce City Land Development Code,” published by the City of Commerce City, consisting of Articles I through XI, with any Tables and Appendices, and available on the City’s website is hereby adopted in full. Three full copies of the 2025 Land Development Code are on file with the office of the City Clerk and are open to public inspection.

**SECTION 3. Penalty Provisions.** As required by Section 5.11(c) of the Charter of the City, the penalty provisions provided in the 2025 Land Development Code are included as Exhibit A to this Ordinance, and are hereby adopted.

**SECTION 4. Effective Date; Implementation of 2025 LDC.** This Ordinance shall be effective pursuant to Section 5.3 of the Charter; provided, however that land within the boundaries of the City shall not be subject to the 2025 LDC until (i) land is legislatively rezoned by ordinance into the zoning districts contained in the 2025 LDC; or (ii) a property owner submits an application to rezone a property into a zoning district contained in the 2025 LDC.

The City Council may determine by subsequent ordinance to alter or accelerate the implementation of the 2025 Land Development Code as it deems necessary in the best interest of the public health, safety, and welfare of the community.

**SECTION 5. Continued Effect of 2009 LDC.** As provided in Section 4 of this Ordinance, land within the boundaries of the City shall remain subject to the 2009 LDC until rezoned into a zoning district contained in the 2025 LDC. Except as provided in Section 6, all processes, regulations, and provisions of the 2009 LDC shall continue to apply to land within the boundaries of the City until such time that the land is rezoned into a zoning district contained in the 2025 LDC.

**SECTION 6. Annexations; Initial Zoning; Rezonings.** All (i) petitions for annexations; (ii) applications for initial zoning associated with an annexation; and (iii) applications for a zone change that are submitted after the effective date of this Ordinance shall be subject to and proceed in accordance with the applicable provisions of the 2025 LDC. Petitions for annexations, applications for initial zoning, and applications for zone changes submitted prior to the effective date of this Ordinance will be processed and acted upon in accordance with the applicable provisions of the 2009 LDC. All land rezoned after the effective date of this Ordinance, except for land subject to an application submitted prior to the effective date of this Ordinance, shall not be rezoned to a zone district in the 2009 LDC.

**SECTION 7. PUD Zone Document Amendments.** Modifications to an approved PUD zone document shall follow the process contained in the 2009 LDC until the PUD district is rezoned into and becomes subject to the 2025 LDC.

**SECTION 8. Repealer.** All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE  
ORDERED THIS 6TH DAY OF OCTOBER, 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE  
ORDERED THIS 3RD DAY OF NOVEMBER, 2025.

CITY OF COMMERCE CITY, COLORADO

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Steve J. Douglas, Mayor

ATTEST

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Kim Garland, Acting City Clerk

**EXHIBIT A**  
**Penalty Provisions of 2025 LDC**

**ARTICLE X: ENFORCEMENT AND VIOLATIONS**

**Division 10.1: Enforcement, Violations, and Remedies**

- A. **Authority.** The City Manager is authorized to enforce the provisions of this LDC.
- B. **Complaints.** Any person may file a complaint alleging a violation of this LDC. Such complaints, stating fully the causes and basis thereof, may be made verbally or in writing. All written complaints are open to inspection under the state's open records law.
- C. **Right of Entry to Inspect.**
1. *Right of Entry Generally.* When necessary to make an inspection to enforce any provisions of this LDC land development code, or when the City has reason to believe there exists in any building or upon any land any condition that constitutes a violation of this LDC land development code, an authorized city employee or agent may present proper credentials and request entry.
  2. *Notice.* If entry is refused or if the owner cannot be located after reasonable effort, the City shall give the owner or, if the owner cannot be located, leave at the building or premises, a written notice of the City's intent to inspect the property. The notice shall set forth the time, not sooner than 24 hours after the notice of intent to inspect is given or left, at which the City will return for inspection. The notice shall state that the owner has the right to refuse entry and that in the event such entry is refused, an inspection may be made only upon issuance of a search warrant by a municipal judge of the city, or by a judge of any other court having jurisdiction.
  3. *Search Warrants.* Upon application by the City and a showing of probable cause, the judge shall issue a search warrant entitling the City agent to enter the building or the premises and authorizing the use of reasonable force, if necessary, to gain entry. To establish probable cause, the City agent shall not be required to demonstrate specific knowledge of the violation at issue but must show some factual or practical circumstances that would cause an ordinary prudent person to believe a violation exists.
  4. *Emergencies.* When an emergency exists concerning the enforcement of any of the provisions of this LDC, land development code, a city agent may enter any building or upon any premises within the City, using such reasonable force as may be necessary. An emergency includes any situation of imminent danger of loss of, or injury or damage to, life, limb, property, or threat to public safety. It is unlawful for any owner of the building or premises to deny entry to a city agent or to resist reasonable force used by such agent acting under this Division.
  5. *Additional Considerations.* The City may use building and development permits, certificates of occupancy, stop work orders, civil or criminal actions, and abatement in its effort to obtain compliance with the provisions of this LDC land development code. These

enforcement alternatives, and the remedies available under each, shall be cumulative., They are intended to be in addition to any other remedy provided by law, and may be exercised in any order. In addition, when the City has sufficient evidence that a person is violating any provision of this land development code, LDC, the City may apply to any court of competent jurisdiction to temporarily or permanently enjoin the continuance of the violation. In any such injunction action, the City shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law.

D. **Permit Denial.** The City may deny an application for a permit, certificate, or other form of development authorization on the basis that the requirements for the issuance of such permit, certificate, or authorization have not been satisfied. Further, the City may deny such applications due to the existence of a land use violation that is related to the permit, certificate, or authorization being sought; or the City may grant such authorization subject to the condition that the violation be corrected. This provision shall apply whether or not the applicant is responsible for the violation.

E. **Permit Revocation.**

1. *Just Cause.* After notice and hearing, the City may revoke any permit, certificate, or other development authorization or approval upon finding that just cause exists for the revocation. Just cause shall be deemed to exist in the following circumstances, which are offered by way of example and not limitation:

- a. There has been a material departure from the approved plans, specifications or conditions of approval;
- b. The permit holder has failed to comply with any condition of approval;
- c. The permit, certificate, or development authorization or approval was obtained by fraud or misrepresentation;
- d. The permit, certificate, or development authorization or approval was approved in error;
- e. The approved use or structure fails or ceases to comply with applicable standards, conditions, or criteria for issuance of an approval; or
- f. The operation of the use or structure constitutes a nuisance or poses a real or potential threat to the health, safety, or welfare of the public.

2. *Notice to Intent to Revoke.* Written notice of the City's intent to revoke may be served by personally delivering a copy of the notice to the applicant or the person for whom the permit was approved, if different, or by posting the notice in a conspicuous location at the place of the violation. Such notice shall set forth the grounds for the proposed revocation and a date and time for hearing. 3. *Effect of Revocation.* It shall be unlawful for any person to conduct any activity in reliance upon any permit, certificate, or authorization after the written notice of revocation of such permit, certificate, or authorization has been served per this Division.

F. **Stop Work Order.** If the use of property or the construction of any structure is contrary to the provisions of this LDC or any permit approved under this LDC, the City Manager may order

that the use of the property or the construction of the structure be stopped. A stop work order shall be effective when written notice is served upon any person engaged in using the property or in doing or causing the construction work to be done, or by posting written notice in a conspicuous place on the property when no person can be served in the aforesaid manner. in person. Failure of the City to issue a stop work order shall in no event not be deemed to legalize, authorize, or excuse the violation.

G. **Penalties and Other Remedies.** If any person violates, disobeys, or fails or neglects to comply with the requirements of this LDC or any land use or zoning ordinance adopted by the City, the City may, in addition to employing the enforcement methods enumerated in this Article, impose the penalties provided in Chapter 1, General, of the Municipal Code or take any action authorized by the Municipal Code, the Charter, or state or federal law to prevent, enjoin, abate or remove such violation, failure or omission and, in addition, shall be entitled to recover any costs and charges incurred in undertaking such action.