

ORDINANCE NO: Z-833-05

INTRODUCED BY: SNYDER, DROTAR, BULLOCK, FORD, JAQUITH, JOHNSON,
LEWIS, NATALE, TETER

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS: LOT 1, BLOCK 1 (4.39 ACRES) AND TRACT A (0.34 ACRES) OF ABERDEEN SOUTH SUBDIVISION PLAT REZONING FROM AG TO I-1 ZONE DISTRICT; LOT 1, BLOCK 2 (20.65 ACRES) OF ABERDEEN SOUTH SUBDIVISION PLAT REZONING FROM AG TO C-3 ZONE DISTRICT; AND LOT 1, BLOCK 3 (20.92 ACRES); TRACT B (3.26 ACRES); AND TRACT C (1.07 ACRES) OF ABERDEEN SOUTH SUBDIVISION PLAT REZONING FROM AG TO I-2 ZONE DISTRICT, OF THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, AND LOCATED AT APPROXIMATELY THE SOUTHWEST CORNER OF EAST 104TH AND HIGHWAY 2, COMMERCE CITY, COLORADO.

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

SECTION 1. The City Council of the City of Commerce City, Colorado, finds and declares that it has caused to be published in the Commerce City Sentinel/Express, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing by the Planning Commission of the City of Commerce City, held September 6, 2005 concerning land hereinafter described, and that said Notice was published August 30, 2005 and that said Hearing was conducted all in compliance with law.

SECTION 2. The City Council of the City of Commerce City, Colorado further finds and declares that it has caused to be published in the Commerce City Sentinel/Express, a legal newspaper of general circulation in the City of Commerce City, Notice of Public Hearing held on October 3, 2005 regarding rezoning of land hereinafter described, and that said Notice was published September 20, 2005 and that said Hearing was conducted all in compliance with law.

SECTION 3. That the property described in Exhibit "A" attached hereto and made a part hereof, now zoned AG be rezoned I-1, C-3, and I-2, as defined in the Commerce City Zoning Ordinance as follows:

- A. Lot 1, Block 1 and Tract A of Aberdeen South Subdivision Plat Rezoning from AG to I-1 Zone District;
- B. Lot 1, Block 2 of Aberdeen South Subdivision Plat Rezoning from AG To C-3 Zone District;

C. Lot 1, Block 3; Tract B; and Tract C of Aberdeen South Subdivision Plat Rezoning from AG to I-2 Zone District.

SECTION 4. That the zoning map of the City of Commerce City, Colorado be and is hereby amended to reflect the zoning amendment as provided in this ordinance.

SECTION 5. That the rezoning is approved from AG to I-1, C-3, and I-2 subject to the following conditions:

A. A developer's agreement must be signed prior to recordation of the subdivision plat.

B. Prior to development of Lot 1, Block 3, a development plan must be reviewed by the Planning Commission and approved by City Council.

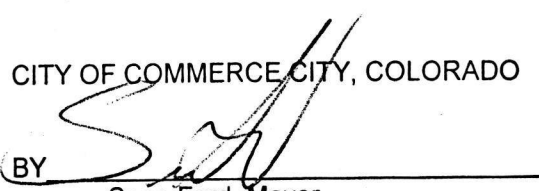
SECTION 6. Failure to comply with any or all of the said conditions shall constitute basis for rezoning of the subject property to that zoning existing immediately prior to passage of this ordinance, it being expressly determined by this City Council that the rezoning herein granted is not proper zoning in the absence of compliance with the conditions herein contained. In the alternative, the City may proceed with legal action for injunctive relief to enforce the conditions herein imposed or issue a summons and complaint in the Commerce City municipal court for violations of any of the aforesaid conditions, and in the event a summons and complaint is issued in the Commerce City municipal court, and upon finding a violation of any of the conditions set forth in this ordinance, the municipal court may impose any penalty authorized by Section 21-541 of the Commerce City Municipal code. The remedies herein provided for shall be considered cumulative and not mutually exclusive.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED this 3rd day of October, 2005.

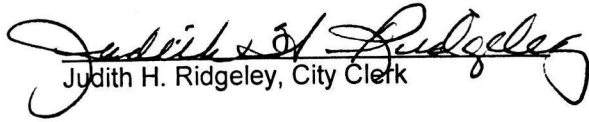
PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED this 17th day of October, 2005.

CITY OF COMMERCE CITY, COLORADO

BY


Sean Ford, Mayor

ATTEST:


Judith H. Ridgeley, City Clerk