



Council Communication File Number: Ord 2555

Agenda Date: 11/27/2023

Version: 2

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

FIRST READING OF 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. In the interim, 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, which would enact those regulations, passed unanimously on first reading on 11/13/23 and is up for its second reading at this meeting.

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 (which is also before Council at this meeting as Resolution 2023-136).

If Council does not approve this ordinance, the new regulations would still go into effect (assuming Ordinance 2549 passes on second reading and Resolution 2023-136 is approved). These regulations would still apply to any new commercial district that is applied, and the City could require any existing residential district seeking an amendment to its current service plan to adopt these new regulations; passage of Ordinance 2549 does not require passage of this Ordinance, and vice-versa.

Council has three options for action on this ordinance:

1. Approve the ordinance - this will allow new metro districts to be formed by developers following the enhanced regulations Council has adopted; Council still retains a prerogative to not approve any application based on any criteria it determines.
2. Disapprove the ordinance - the enhanced regulations will still go into effect, but will effectively be superseded by the moratorium; no new residential metro districts may be created, but any commercial districts or amendments to existing districts will need to comply with the regulations.
3. Continue the ordinance - continue this item to a later date in order to hear more feedback from residents and developers on this matter.

Staff and outside counsel will be available at the meeting to answer any questions from

Council.

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 current moratorium

Suggested Motion: Approve the ordinance on first reading.