

ORDINANCE NO. 2555

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST,
HUSEMAN, KIM, MADERA, NOBLE

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

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

WHEREAS, pursuant to Article 1, Title 32, Colorado Revised Statutes, as amended (the "Special District Act"), the City has the authority to approve service plans for metropolitan districts with boundaries wholly contained within the City's boundaries;

WHEREAS, pursuant to Sections 32-1-204.5 and 32-1-205 of the Special District Act, no metropolitan district shall be organized if its boundaries are wholly contained within the boundaries of the City except upon adoption of a resolution of approval of the City Council of the City (the "City Council");

WHEREAS, the City Council previously adopted Ordinance No. 2453 ("Ordinance No. 2453") imposing a moratorium upon the City's processing of applications for approval of new service plans for metropolitan districts with ten percent or more of the property within the metropolitan district developed or proposed to be developed for residential purposes ("Residential Metro Districts");

WHEREAS, since the summer of 2021, the City has been engaged with the community to solicit feedback with regards to metropolitan districts and proposed regulatory concepts to protect the current and future residents of the City; and

WHEREAS, on November 27, 2023, the City Council adopted Ordinance 2549 ("Ordinance No. 2549") Enacting Chapter 13 – Metropolitan Districts of the Commerce City Revised Municipal Code and Resolution No. 2023-136 ("Resolution No. 2023-136") adopting a model service plan, each of which is designed to protect the current and future residents of the City while allowing new Residential Metro Districts to be formed in the City; and

WHEREAS, with the adoption of Ordinance No. 2549 and Resolution No. 2023-136, the City Council has determined and hereby determines that the moratorium imposed by Ordinance No. 2453 is no longer necessary and that it is necessary and in the best interest of the City and its inhabitants, and necessary for the public's health, safety and welfare, to repeal Ordinance No. 2453 in order to terminate the moratorium.

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 necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Repeal. Ordinance No. 2453 imposing a moratorium upon the City's processing of applications for new service plans for residential metropolitan districts is hereby repealed and the moratorium imposed thereby is terminated.

SECTION 3. Effective Date. This Ordinance shall be effective five (5) days after both final posting and publication have been accomplished.

INTRODUCED, PASSED ON FIRST READING, AND PUBLIC NOTICE ORDERED
THIS 27TH DAY OF NOVEMBER, 2023.

PASSED ON SECOND AND FINAL READING, AND PUBLIC NOTICE ORDERED
THIS 18TH DAY OF DECEMBER, 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk