

ARTICLE I. GENERAL PROVISIONS

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Sec. 21-1100. Title

This code shall be known and may be cited as the City of Commerce City Land Development Code (hereinafter referred to as the “land development code” or “code”).

Sec. 21-1110. Authority

This land development code is enacted pursuant to the city’s charter and the powers granted to municipalities by the constitution and laws of the state of Colorado.

Sec. 21-1120. Purpose

This land development code is designed to encourage the most appropriate use of land throughout the city and to ensure a logical growth of the various physical elements of the city; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to encourage urban environments, where appropriate; to provide adequate light and air; to improve housing standards; to conserve property values; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements; to promote economic development; to promote pleasing aesthetics and minimize negative visual impacts; to encourage diversity in land use types; and in general to promote health, safety, and the general public welfare.

Sec. 21-1130. Conflicts

Except with regard to conflicts with an approved Planned Unit Development (PUD) zone document, if the provisions of this land development code conflict with any other statute, code, local ordinance, resolution, regulation, or other applicable federal, state, or local law; or if the land development code’s provisions are internally conflicting, the more restrictive standard, limitation, or requirement shall govern or prevail to the extent of the conflict. In the event that

the terms of an approved PUD zone document conflicts with the provisions of this land development code, the terms of the PUD zone document shall control.

Sec. 21-1140. Scope

The provisions of this land development code shall apply to any and all development of land within the municipal boundaries of the city, unless expressly and specifically exempted or provided otherwise in this land development code. All development shall comply with the applicable terms, conditions, requirements, standards, and procedures imposed by, or pursuant to, the provisions of this land development code.

Sec. 21-1150. Rules of Construction and Interpretation

- (1) **Meaning and Intent.** All provisions, terms, phrases, and expressions contained in this land development code shall be construed according to this land development code’s stated purpose and intent.
- (2) **Text Controls.** In case of any difference of meaning or implication between the text of this land development code and any heading, drawing, table, or figure, the text shall control.
- (3) **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.
- (4) **Mandatory and Discretionary Terms.** The word “shall” and “must” are always mandatory, and the words “may” and “should” are always permissive.
- (5) **Delegation of Authority.** Where a provision assigns a specific officer or employee of the city to perform an act or duty, that provision shall be construed as authorizing such officer or employee to delegate that responsibility to subordinates, unless the terms of the provision specify otherwise.
- (6) **Gender.** The masculine shall include the feminine, and vice versa.
- (7) **Technical and Non-Technical Words.** Words and phrases not defined by this land development code, or the municipal code, shall have their common, ordinary, and accepted meanings, except that technical words and phrases that have a peculiar meaning in law shall be construed and understood according to such meaning.

- (8) **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the city, unless otherwise indicated.

Sec. 21-1160. Proscribed Acts

It shall be unlawful for any person to do any of the following, or cause the same to be done, without first obtaining all requisite city approvals, or in violation of this land development code or the municipal code:

- (1) Erect, construct, reconstruct, remodel, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building, structure, sign, or land within the city.
- (2) Excavate, grade, cut, clear, or undertake any other land disturbance activity.
- (3) Create, expand, replace, enlarge, or change a nonconforming use, lot, structure, or sign.
- (4) Develop, use, subdivide, construct, remodel, or engage in any other activity related to land or buildings.
- (5) Reduce or diminish the lot area, setbacks, or landscaping below the minimum required by this land development code.
- (6) Further, it shall be unlawful for any person to fail to comply with the provisions of any approval, order, or permit granted or issued pursuant to this land development code.