

ORDINANCE NO. 13-2011

**AN ORDINANCE AMENDING §17-5-20 OF THE WELLINGTON TOWN CODE
PROVIDING AN EXCEPTION ALLOWING A BUILDING PERMIT PRIOR TO SITE
PLAN APPROVAL**

WHEREAS, Section 17-5-20 (i) (1) of the Wellington Town Code provides:

(1) Building permit. A building permit shall be issued only when a site plan has been approved. However, with the approval of the Town Administrator/Clerk, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.

WHEREAS, the Wellington Planning Commission received requests to allow the issuance of building permits for the construction of foundation and shell of commercial buildings on speculation with full site plan delayed until buyer with specific use is identified; and

WHEREAS, the Wellington Planning Commission by motion at the meeting of November 7, 2011 recommended allowing an exception to the code allowing delaying site plan approval until a building permit is requested for a tenant finish on commercial building shells; and

WHEREAS, The Board of Trustees wishes to encourage economic development by increasing number of available commercial buildings without increasing costs to builders in going through a full site plan approval for a site plan which will likely need to be amended prior to the tenant finish of a building.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Wellington, Colorado:

Section 1. Amendment to Section 7-5-20 of the Wellington Town Code.

The following subsections are added to Section 17-5-20 (i) (1) of the Wellington Town Code:

a. Exception. A building permit may be issued for the construction of a foundation and shell only for commercial and industrial uses to allow for the partial construction of a speculation building with unknown tenant and use. A partial site plan shall be submitted for approval by the Town Administrator with adequate information to show the building will comply with all applicable zoning and development standards including setbacks, architectural standards, grading

and drainage, paved driveway, and adequate space for parking and landscaping.

b. No building permit shall be issued for the tenant finish until a site plan has been approved.

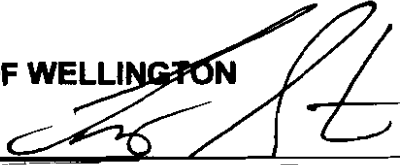
c. A shell building constructed prior to site plan approval shall not be given a certificate of occupancy and shall not be used for storage or any other purpose other than offering for sale as a to be finished structure and site.

Section 2. Validity. The provisions of this Ordinance are hereby declared to be severable and if any section, provision or part thereof shall be held unconstitutional or invalid, the remainder of this Ordinance shall continue in full force and effect, it being the intent of the Board of Trustees that this Ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein. It is further declared that if any section, provision or part of this Ordinance or application thereof to any person or circumstances, if held invalid, the remainder of this Ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

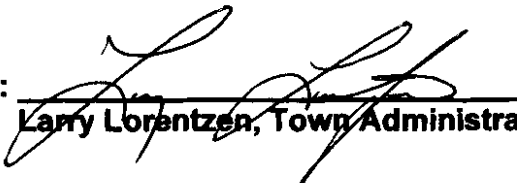
Section 3. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON AND ORDERED TO BECOME PUBLISHED THIS 22ND DAY OF NOVEMBER, 2011, AND ORDERED TO BECOME EFFECTIVE 30 DAYS FROM THE DATE OF PUBLICATION

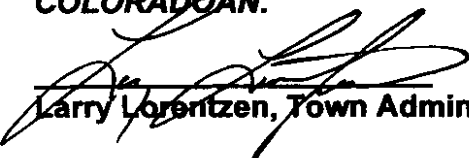
TOWN OF WELLINGTON

By: 
Travis Stevens, Mayor Pro-Tem

ATTEST:

By: 
Larry Lorentzen, Town Administrator/Clerk

PUBLISHED BY TITLE THE 28 DAY OF November, 2011, IN THE COLORADOAN.


Larry Lorentzen, Town Administrator/Clerk