

ORDINANCE NO. 130, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7.5 OF THE CODE OF THE CITY OF FORT
COLLINS TO IMPLEMENT THE PHASE III INCREASES FOR THE CAPITAL
EXPANSION FEES AND INCREASE FOR INFLATION THE CAPITAL EXPANSION FEES
AND THE TRANSPORTATION EXPANSION FEE

WHEREAS, the City is a home rule municipality having the full right of self-government in local and municipal matters under the provisions of Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, among the City's home rule powers is the power to regulate, as a matter of purely local and municipal concern, the development of real property within the City and establish impact fees for such development; and

WHEREAS, the City Council has determined that new development should contribute its proportionate share of providing the capital improvements that are typically funded with impact fees; and

WHEREAS, the City Council has broad legislative discretion in determining the appropriate funding mechanisms for financing the construction of public facilities in the City; and

WHEREAS, in early 2016, City staff initiated a comprehensive review of its various impact fees now charged to new development, including its community parkland, neighborhood parkland, police, fire protection and general government capital expansion fees (collectively, "Capital Expansion Fees"), and the City's street oversizing capital improvement expansion fee, now called the transportation expansion fee ("TEF"); and

WHEREAS, as a result of that review, the City commissioned an impact fee study for the Capital Expansion Fees that has resulted in the "Capital Expansion Fee Study" dated August 2016 (the "CEF Study"), which has identified the need to increase such Capital Expansion Fees by various amounts; and

WHEREAS, the City also commissioned an impact fee study for the TEF that has resulted in the "Transportation Capital Expansion Fee Study" dated April 2017 (the "TEF Study"), which has also identified the need to increase and decrease the TEF by various amounts depending on the type of development proposed; and

WHEREAS, City Code Section 7.5-18 provides that the Capital Expansion Fees and the TEF shall also be increased or decreased annually for inflation; and

WHEREAS, in 2017, City Council adopted Ordinance No. 049, 2017, implementing, beginning on October 1, 2017, the Phase I increases of the Capital Expansion Fees to 75% of the increased amounts recommended in the CEF Study and of the TEF to 80% of the increased amounts recommended in the TEF Study, but fully implementing the recommended reductions to the TEF; and

WHEREAS, in 2018, City Council adopted Ordinance No. 166, 2018, implementing, beginning on January 1, 2019, the Phase II increases of the Capital Expansion Fees to 90% of amounts recommended in the CEF Study, plus inflation, and of the TEF to 100% of the amounts recommended in the TEF Study, plus inflation; and

WHEREAS, based on the CEF Study and the general approach and direction of City Council, including the Council Finance Committee, this Ordinance enacts Phase III of the increases to the Capital Expansion Fees; and

WHEREAS, this Ordinance increases the Capital Expansion Fees to 100% of the amounts recommended in the CEF Study, plus inflation, beginning on January 1, 2020; and

WHEREAS, this Ordinance also increases the TEF, but for inflation only; and

WHEREAS, for the foregoing reasons, the City Council has determined that it is in the best interest of the City and its citizens and necessary for the protection of the public's health, safety and welfare, that the Capital Expansion Fees and the TEF be increased as hereafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 7.5-28(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-28. - Community parkland capital expansion fee.

(a) There is hereby established a community parkland capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of community parks, as such improvements may be identified in the capital improvements plan for community parkland. Such fee shall be payable prior to the issuance of any building permit for a residential structure. The amount of such fee shall be determined per dwelling unit as follows:

	2019	As of January 1, 2020
Resid., up to 700 sq. ft.	\$2,326.00	\$2,619.00
Resid., 701 to 1,200 sq. ft.	3,114.00	3,506.00
Resid., 1,201 to 1,700 sq. ft.	3,400.00	3,828.00
Resid., 1,701 to 2,200 sq. ft.	3,436.00	3,868.00
Resid., over 2,201 sq. ft.	3,830.00	4,312.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 3. That Section 7.5-29(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-29. - Police capital expansion fee.

- (a) There is hereby established a police capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of police services, as such improvements may be identified in the capital improvements plan for police services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2019	As of January 1, 2020
Resid., up to 700 sq. ft.	\$226.00	\$254.00
Resid., 701 to 1,200 sq. ft.	305.00	344.00
Resid., 1,201 to 1,700 sq. ft.	332.00	374.00
Resid., 1,701 to 2,200 sq. ft.	337.00	379.00
Resid., over 2,200 sq. ft.	375.00	423.00
Commercial buildings (per 1,000 sq. ft.)	284.00	320.00
Industrial buildings (per 1,000 sq. ft.)	66.00	74.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 4. That Section 7.5-30(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-30. - Fire protection capital expansion fee.

- (a) There is hereby established a fire protection capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2019	As of January 1, 2020
Resid., up to 700 sq. ft.	\$403.00	\$454.00
Resid., 701 to 1,200 sq. ft.	546.00	614.00
Resid., 1,201 to 1,700 sq. ft.	593.00	668.00
Resid., 1,701 to 2,200 sq. ft.	603.00	679.00
Resid., over 2,200 sq. ft.	671.00	756.00
Commercial buildings (per 1,000 sq. ft.)	508.00	572.00
Industrial buildings (per 1,000 sq. ft.)	119.00	134.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 5. That Section 7.5-31(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-31. - General governmental capital expansion fee.

(a) There is hereby established a general governmental capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of general governmental services, as such improvements may be identified in the capital improvements plan for general governmental services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	2019	As of January 1, 2020
Resid., up to 700 sq. ft.	\$549.00	619.00
Resid., 701 to 1,200 sq. ft.	741.00	834.00
Resid., 1,201 to 1,700 sq. ft.	809.00	911.00
Resid., 1,701 to 2,200 sq. ft.	821.00	925.00
Resid., over 2,200 sq. ft.	914.00	1,029.00
Commercial buildings (per 1,000 sq. ft.)	1,389.00	1,564.00
Industrial buildings (per 1,000 sq. ft.)	327.00	327.00 369.00

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 6. That Section 7.5-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-32. - Transportation expansion fee.

There is hereby established a transportation expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding transportation improvements related to the provision of transportation services. Such fees shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. These fees shall be deposited in the "transportation improvements fund" established in § 8-87. The amount of such fee shall be determined as follows:

TRANSPORTATION EXPANSION FEE SCHEDULE

	2019	As of January 1, 2020
Resid., up to 700 sq. ft.	\$2,321.00	\$2,336.00
Resid., 701 to 1,200 sq. ft.	4,310.00	4,338.00
Resid., 1,201 to 1,700 sq. ft.	5,596.00	5,632.00
Resid., 1,701 to 2,200 sq. ft.	6,543.00	6,586.00
Resid., over 2,200 sq. ft.	7,014.00	7,059.00
Commercial	8,539.00	8,594.00
Office and Other Services	6,291.00	6,331.00
Industrial/Warehouse	2,030.00	2,043.00

Section 7. That Section 7.5-71(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-71. - Neighborhood parkland capital expansion fee.

(b) The amount of the fee established in this Section shall be determined for each dwelling unit as follows:

	2019	As of January 1, 2020
Resid., up to 700 sq. ft.	\$1,647.00	\$1,855.00
Resid., 701 to 1,200 sq. ft.	2,205.00	2,483.00
Resid., 1,201 to 1,700 sq. ft.	2,408.00	2,712.00
Resid., 1,701 to 2,200 sq. ft.	2,433.00	2,740.00
Resid., over 2,200 sq. ft.	2,712.00	3,053.00

Introduced, considered favorably on first reading, and ordered published this 5th day of November, A.D. 2019, and to be presented for final passage on the 19th day of November, A.D. 2019.


Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on the 19th day of November, A.D. 2019.


Mayor

ATTEST:


City Clerk

