

## NOTICE OF PROPOSED ORDINANCE

Pursuant of Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council will consider adoption of the following named and described ordinance during its meeting on October 4, 2016 at 6:00 P.M. at the Town of Castle Rock, Town Hall, 100 North Wilcox, Castle Rock, CO 80104.

Title of Proposed Ordinance:

**AN ORDINANCE AMENDING SECTION 3.16.030 OF THE CASTLE ROCK MUNICIPAL CODE ADJUSTING THE DEVELOPMENT IMPACT FEES FOR RESIDENTIAL AND NON RESIDENTIAL USES**

Subject Matter Summary:

The proposed Ordinance amends the exiting fee schedule by increasing the Development Impact Fees charged by the Town of Castle Rock for residential and nonresidential uses.

The entire text of the proposed ordinance is contained herein, and copies are available for public inspection at the office of the Town Clerk, 100 North Wilcox, Castle Rock, Colorado 80104 during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication date: September 28, 2016

**ORDINANCE NO. 2016-**

**AN ORDINANCE AMENDING SECTION 3.16.030 OF THE CASTLE ROCK MUNICIPAL CODE ADJUSTING THE DEVELOPMENT IMPACT FEES FOR RESIDENTIAL AND NON-RESIDENTIAL USES**

**WHEREAS**, the Town Council has considered and accepted the staff analysis and recommendations and the following supporting report and analysis prepared by nationally-recognized independent rate and fee consulting firm:

- Development Impact Fee Report, August, 2016, prepared by Arcadis,

**WHEREAS**, the Town Council finds that it is necessary to revise the levels of fees and charges imposed on certain development and construction activity in order to reflect updated projections on the costs the Town has and will incur in providing municipal services to support such development and construction activity.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Legislative Findings.** The recitals to this ordinance are adopted as findings of the Town Council in support of enactment of this ordinance, and in addition, the Town Council finds that:

- A. The fee structure established by this Ordinance is supported by:
1. Development Impact Fee Report, 2016 prepared by Arcadis
  2. The Agenda Memorandum dated September 6, 2016 prepared by the Town Manager
  3. Public comment and testimony provided at the public hearing held on October 4, 2016.

B. The fees and charges imposed by this Ordinance comply with the legislative restrictions on impact fees adopted by local governments in §29-20-104.5, C.R.S.

**Section 2. Amendment.** Subparagraphs A and B of Section 3.16.030 of the Castle Rock Municipal Code are amended in their entirety to read as follows:

**3.16.030 - Assessment and collection.**

Fees shall be assessed and collected according to the following provisions, except as modified by the Town pursuant to this Section 3.16.030:

A. Residential uses. No building permit shall be issued for any dwelling unit prior to the payment of the following applicable fees:

**Development Impact Fees for Residential Uses**

<i>Parks and Recreation</i>			
<i>Unit Type</i>	<i>Square Footage</i>	<u>2017</u> <i>Impact Fee (per 1,000 sq. ft.)</i>	<u>2018 and thereafter</u>
Single-Family	< 2,100	\$2.49	\$2,773
	2,100—2,399	\$2.74	\$3,070
	2,400—2,699	\$3.07	\$3,303
	2,700—2,999	\$3.51	\$3,776
	3,000—3,299	\$3.84	\$4,130
	3,300—3,699	\$4.17	\$4,483
	>3,700	\$4.50	\$4,838
	2,700—2,799	\$3,191	
	2,800—2,899	\$3,309	
	2,900—2,999	\$3,427	
	3,000—3,099	\$3,546	
	3,100—3,199	\$3,664	
	3,200—3,299	\$3,782	
	3,300—3,399	\$3,900	
	3,400—3,499	\$4,018	
	3,500—3,599	\$4,137	
	3,600—3,699	\$4,255	
	>3,700	\$4,373	
Multi-Family (per unit)	All sizes	\$2,245	\$2,480
<i>Municipal Facilities</i>			
<i>Unit Type</i>	<i>Square Footage</i>		

		<u>2017</u> <i>Impact Fee (per 1,000 sq. ft.)</i>	<u>2018 and thereafter</u>
Single-Family	< 2,100	\$274	\$282
	2,100—2,399	\$315	\$324
	2,400—2,699	\$384	\$396
	2,700—2,999	\$439	\$452
	3,000—3,299	\$480	\$494
	3,300—3,699	\$521	\$537
	2,600—2,699	\$580	
	2,700—2,799	\$603	
	2,800—2,899	\$625	
	2,900—2,999	\$647	
	3,000—3,099	\$670	
	3,100—3,199	\$692	
	3,200—3,299	\$714	
	3,300—3,399	\$737	
	3,400—3,499	\$759	
	3,500—3,599	\$781	
	3,600—3,699	\$804	
	> 3,700	\$562	\$579
Multi-Family (per unit)	All sizes	\$303	\$312

**Fire**

<i>Unit Type</i>	<i>Square Footage</i>	<u>2017</u> <i>Impact Fee (per 1,000 sq. ft.)</i>	<u>2018 and thereafter</u>
Single-Family	< 2,100	\$440	\$639
	2,100—2,399	\$506	\$735
	2,400—2,699	\$616	\$894

	2,700300—2,999399	\$704536	\$1,022
	3,0002,400—3,2992,499	\$769560	\$1,118
	3,3002,500—3,6992,599	\$836585	\$1,214
	2,600—2,699	\$633	
	2,700—2,799	\$658	
	2,800—2,899	\$682	
	2,900—2,999	\$707	
	3,000—3,099	\$731	
	3,100—3,199	\$755	
	3,200—3,299	\$780	
	3,300—3,399	\$804	
	3,400—3,499	\$829	
	3,500—3,599	\$853	
	3,600—3,699	\$877	
	> 3,700	\$902	\$1,310
Multi-Family (per unit)	All sizes	\$463	\$502
<b>Police</b>			
<b>Unit Type</b>	<b>Square Footage</b>	<b><u>2017 Impact Fee (per 1,000 sq. ft.)</u></b>	<b><u>2018 and thereafter</u></b>
Single-Family	< 2,100099	\$231216	\$259
	2,100—2,399199	\$266241	\$299
	2,400200—2,699299	\$324254	\$362
	2,700300—2,999399	\$370279	\$414
	3,0002,400—3,2992,499	\$405292	\$454
	3,3002,500—3,6992,599	\$440305	\$492
	2,600—2,699	\$330	
	2,700—2,799	\$343	
	2,800—2,899	\$355	

	2,900—2,999	\$368	
	3,000—3,099	\$381	
	3,100—3,199	\$393	
	3,200—3,299	\$406	
	3,300—3,399	\$419	
	3,400—3,499	\$432	
	3,500—3,599	\$444	
	3,600—3,699	\$457	
	> 3,700	\$474470	\$531
Multi-Family (per unit)	All sizes	\$241	\$286

**Transportation**

<i>Unit Type</i>	<i>Square Footage</i>	<i>2017 Impact Fee (per 1,000 sq. ft.)</i>	<i>2018 and thereafter</i>
Single-Family	< 2,100	\$2,756	\$5,215
	2,100—2,399	\$3,095	\$5,547
	2,400—2,699	\$3,482	\$6,104
	2,700—2,999	\$3,749	\$6,404
	3,000—3,299	\$3,949	\$6,637
	3,300—3,699	\$4,119	\$6,847
	2,600—2,699	\$2,816	
	2,700—2,799	\$2,908	
	2,800—2,899	\$3,000	
	2,900—2,999	\$3,092	
	3,000—3,099	\$3,153	
	3,100—3,199	\$3,245	
	3,200—3,299	\$3,337	
	3,300—3,399	\$3,398	
	3,400—3,499	\$3,490	

	3,500—3,599	\$3,551	
	3,600—3,699	\$3,613	
	> 3,700	\$4,311	\$7,060
Multi-Family (per unit)	All sizes	\$2,195	\$2,931

<b>Stormwater - Cherry Creek Basin</b> (per dwelling unit)					
Unit Type	2017	2018	2019	2020	2021 and thereafter
Single-Family Detached	\$843	\$867	\$891	\$916	\$942
Single-Family Attached	\$563	\$579	\$595	\$612	\$629
Multi-Family	\$511	\$525	\$540	\$555	\$571
<b>Stormwater - Plum Creek Basin</b> (per dwelling unit)					
Unit Type	2017	2018	2019	2020	2021 and thereafter
Single-Family Detached	\$1,317	\$1,354	\$1,392	\$1,431	\$1,471
Single-Family Attached	\$880	\$905	\$930	\$956	\$983
Multi-Family	\$798	\$820	\$843	\$867	\$891

For purposes of this Subsection, any remodeling activity which results in the creation of an additional dwelling unit shall be subject to the payment of the fee as specified in this Subsection. For purposes of this Subsection, *single-family detached* shall include duplexes and mobile homes.

B. Nonresidential uses. No building permit shall be issued for the occupancy of any structure to be used primarily for nonresidential use prior to the payment of the following applicable fees (per 1,000 square feet of gross floor areas):



**Development Impact Fees for Nonresidential Uses**

<i>Municipal Facilities</i>			
<i>Unit Type</i>	<i>Square Footage</i>	<i>Impact Fee (per 1,000 square feet) 2017 (per 1,000 sq. ft.)</i>	<i>2018 and thereafter (per 1,000 sq. ft.)</i>
Commercial/ Shopping Center	50,000 or less	\$41	<u>\$46</u>
	50,001—100,000	\$34	<u>\$38</u>
	100,001—200,000	\$31	<u>\$35</u>
	Over 200,000	\$28	<u>\$32</u>
Office	25,000 or less	\$60	<u>\$64</u>
	25,001—50,000	\$57	<u>\$60</u>
	50,001—100,000	\$54	<u>\$57</u>
	Over 100,000	\$50	<u>\$53</u>
Industrial		\$33	<u>\$35</u>
Warehousing		\$20	<u>\$21</u>
Hotel (per room)		\$16	<u>\$17</u>
<i>-Fire</i>			
<i>Unit Type</i>	<i>Square Footage</i>	<i>Impact Fee (per 1,000 square feet) 2017 (per 1,000 sq. ft.)</i>	<i>2018 and thereafter (per 1,000 sq. ft.)</i>
Commercial/ Shopping Center	50,000 or less	\$146	<u>\$204</u>
	50,001—100,000	\$126	<u>\$176</u>
	100,001—200,000	\$110	<u>\$154</u>
	Over 200,000	\$98	<u>\$137</u>
Office	25,000 or less	\$146	<u>\$212</u>
	25,001—50,000	\$138	<u>\$200</u>

	50,001—100,000	\$130	\$189
	Over 100,000	\$120	\$174
Industrial		\$146	\$215
Warehousing		\$82	\$120
Hotel (per room)		\$57	\$80
<b>Police</b>			
<b>Unit Type</b>	<b>Square Footage</b>	<b>Impact Fee (per 1,000 square feet) 2017 (per 1,000 sq. ft.)</b>	<b>2018 and thereafter (per 1,000 sq. ft.)</b>
Commercial/ Shopping Center	50,000 or less	\$87	\$97
	50,001—100,000	\$73	\$81
	100,001—200,000	\$62	\$69
	Over 200,000	\$53	\$59
Office	25,000 or less	\$30	\$36
	25,001—50,000	\$25	\$30
	50,001—100,000	\$22	\$26
	Over 100,000	\$18	\$21
Industrial		\$11	\$13
Warehousing		\$8	\$10
Hotel (per room)		\$9	\$11
<b>Transportation</b>			
<b>Unit Type</b>	<b>Square Footage</b>	<b>Impact Fee (per 1,000 square feet) 2017 (per 1,000 sq. ft.)</b>	<b>2018 and thereafter (per 1,000 sq. ft.)</b>
Commercial/ Shopping Center	50,000 or less	\$809763	\$1,536

	50,001—100,000	\$ <del>712</del> 671	\$1,351
	100,001—200,000	\$ <del>622</del> 587	\$1,182
	Over 200,000	\$ <del>538</del> 507	\$1,021
Office	25,000 or less	\$763	\$1,399
	25,001—50,000	\$482	\$884
	50,001—100,000	\$340	\$623
	Over 100,000	\$269	\$493
Industrial		\$ <del>775</del> 763	\$1,390
Warehousing		\$ <del>675</del> 529	\$1,281
Hotel (per room)		\$437	\$780

Stormwater - Cherry Creek Basin (per 1,000 sq. ft.)					
Unit Type	2017	2018	2019	2020	2021 and thereafter
Commercial/Industrial	\$380	\$391	\$402	\$413	\$425
Stormwater - Plum Creek Basin (per 1,000 sq. ft.)					
Unit Type	2017	2018	2019	2020	2021 and thereafter
Commercial/Industrial	\$594	\$611	\$628	\$646	\$664

Any structure located in a business zone shall be assessed at the applicable nonresidential use rate, whether or not such structure is intended for nonresidential use. Any structure located in a planned unit development where commercial/shopping center, office, industrial, warehouse or hotel uses are permitted shall be assessed based upon initial proposed use, subject to the provisions of Subsection C. below. *Industrial use* means those uses devoted to the compounding, assembling, processing, treatment or manufacturing of products, including distribution centers and food and beverage processing. *Warehousing use* means uses devoted to the storage of materials.

**Section 3. Severability.** If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 4. Safety Clause.** The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this \_\_\_\_ day of \_\_\_\_\_, 2016 by a vote of \_\_\_\_ for and \_\_\_\_ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_\_ of \_\_\_\_\_, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_\_\_ for and \_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_  
Sally Misare, Town Clerk

\_\_\_\_\_  
Paul Donahue, Mayor

**Approved as to form:**

**Approved as to content:**

\_\_\_\_\_  
Robert J. Slentz, Town Attorney

\_\_\_\_\_  
Trish Muller, Finance Director