

ORDINANCE NO. 121, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7.5 OF THE CODE OF THE CITY OF FORT
COLLINS TO 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, Article II of City Code Chapter 7.5 imposes as an impact fee on new development capital expansion fees for community parkland, police, fire protection and general government (collectively, "CEFs") and a transportation expansion fee (the "TEF"); and

WHEREAS, Article V of City Code Chapter 7.5 imposes as an impact fee on new development a capital expansion fee for neighborhood parkland (the "Neighborhood Parkland CEF"); and

WHEREAS, City Code Section 7.5-18 provides that the CEFs and the TEF are to be increased or decreased annually for inflation; and

WHEREAS, the CEFs are to be increased or decreased annually according to the Denver-Boulder Consumer Price Index for Urban Consumers, as published by the Bureau of Labor Statistics (the "CEF Inflation Factor"); and

WHEREAS, the TEF is to be increased or decreased annually according to the Engineering News Record Denver Regional Construction Cost Index (the "TEF Inflation Factor"); and

WHEREAS, the CEF Inflation Factor increased by 8.6% in 2022 and the TEF Inflation Factor increased by 7.1% in 2022; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents and necessary for the protection of the public's health, safety and welfare, that effective January 1, 2023, the CEFs and the Neighborhood CEF should be increased for inflation by 8.6% and the TEF should be increased for inflation by 7.1%, 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:

	20212	As of January 1, 20223
Resid., up to 700 sq. ft.	\$ 2,690.00 2,741.00	\$ 2,741.00 2,977.00
Resid., 701 to 1,200 sq. ft.	3,601.00 3,669.00	3,669.00 3,985.00
Resid., 1,201 to 1,700 sq. ft.	3,932.00 4,007.00	4,007.00 4,351.00
Resid., 1,701 to 2,200 sq. ft.	3,973.00 4,048.00	4,048.00 4,396.00
Resid., over 2,201 sq. ft.	4,429.00 4,513.00	4,513.00 4,901.00

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:

	20212	As of January 1, 20223
Resid., up to 700 sq. ft.	\$ 261.00 266.00	\$ 266.00 289.00
Resid., 701 to 1,200 sq. ft.	353.00 360.00	360.00 391.00
Resid., 1,201 to 1,700 sq. ft.	384.00 391.00	391.00 425.00
Resid., 1,701 to 2,200 sq. ft.	390.00 397.00	397.00 431.00
Resid., over 2,200 sq. ft.	434.00 442.00	442.00 480.00
Commercial buildings (per 1,000 sq. ft.)	329.00 335.00	335.00 364.00
Industrial buildings (per 1,000 sq. ft.)	76.00 78.00	78.00 85.00

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:

	20212	As of January 1, 20223
Resid., up to 700 sq. ft.	\$ 466.00 475.00	\$ 475.00 516.00
Resid., 701 to 1,200 sq. ft.	631.00 643.00	643.00 698.00
Resid., 1,201 to 1,700 sq. ft.	686.00 699.00	699.00 759.00
Resid., 1,701 to 2,200 sq. ft.	697.00 711.00	711.00 772.00
Resid., over 2,200 sq. ft.	776.00 791.00	791.00 859.00
Commercial buildings (per 1,000 sq. ft.)	588.00 599.00	599.00 650.00
Industrial buildings (per 1,000 sq. ft.)	137.00 140.00	140.00 152.00

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:

	2021 2022	As of January 1, 2023
Resid., up to 700 sq. ft.	\$635.00 647.00	\$647.00703.00
Resid., 701 to 1,200 sq. ft.	857.00 873.00	873.00948.00
Resid., 1,201 to 1,700 sq. ft.	935.00 953.00	953.001,035.00
Resid., 1,701 to 2,200 sq. ft.	950.00 968.00	968.001,051.00
Resid., over 2,200 sq. ft.	1,057.00 1,077.00	1,077.001,170.00
Commercial buildings (per 1,000 sq. ft.)	1,606.00 1,637.00	1,637.001,777.00
Industrial buildings (per 1,000 sq. ft.)	379.00 386.00	386.00419.00

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

	20212	As of January 1, 20223
Resid., up to 700 sq. ft.	\$2,349.00 2,523.00	\$2,523.00 2,703.00
Resid., 701 to 1,200 sq. ft.	4,362.00 4,686.00	4,686.00 5,020.00
Resid., 1,201 to 1,700 sq. ft.	5,664.00 6,085.00	6,085.00 6,518.00
Resid., 1,701 to 2,200 sq. ft.	6,623.00 7,115.00	7,115.00 7,621.00
Resid., over 2,200 sq. ft.	7,099.00 7,626.00	7,626.00 8,169.00
Commercial	8,642.00 9,285.00	9,285.00 9,946.00
Office and Other Services	6,367.00 6,840.00	6,840.00 7,327.00
Industrial/Warehouse	2,055.00 2,208.00	2,208.00 2,365.00

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:

	20212	As of January 1, 20223
Resid., up to 700 sq. ft.	\$1,905.00 1,941.00	\$1,941.00 2,108.00
Resid., 701 to 1,200 sq. ft.	2,550.00 2,599.00	2,599.00 2,822.00
Resid., 1,201 to 1,700 sq. ft.	2,785.00 2,838.00	2,838.00 3,082.00
Resid., 1,701 to 2,200 sq. ft.	2,814.00 2,867.00	2,867.00 3,114.00
Resid., over 2,200 sq. ft.	3,136.00 3,196.00	3,196.00 3,470.00

Introduced, considered favorably on first reading, and ordered published this 1st day of November, A.D. 2022, and to be presented for final passage on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk