

ORDINANCE NO. 2108

INTRODUCED BY: AMADOR, BULLOCK, CARSON, DIAZ, DOUGLAS,
ELLIOTT, FORD, MCELLOWNEY, TETER

AN ORDINANCE AMENDING SECTION 21-9210 OF THE COMMERCE CITY
LAND DEVELOPMENT CODE RELATING TO PUBLIC PARKS AND
RECREATION FEES

WHEREAS, the City Council of the City of Commerce City adopted the Land
Development Code by Ordinance 1720; and

WHEREAS, the Land Development Code became effective March 1, 2009; and

WHEREAS, the ongoing application and interpretation of the Land Development
Code has identified areas where additional regulation and/or clarification are needed; and

WHEREAS, the City Council of the City of Commerce City wishes to address
those areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Subsections (1) and (2)(a) of section 21-9210 of the Land
Development Code of the City of Commerce City is hereby amended to read as follows:

(1) Applicability. The parks and recreation fee shall apply to residential
development on each newly subdivided lot in the city and any existing
subdivided lot that is being redeveloped with a new use that increases
the residential use intensity or density associated with the property.
This includes the entirety of any mixed-use development with any
permitted residential use or residential development.

(2) Calculations.

(a) Fee Calculation. The public parks and recreation fee is
calculated as follows:

Table IX-2. Public Park and Recreation Fee Calculation Table

$[(\text{Average Fair Market Value} \div 12,000) \times n] \times \text{Sq. Ft. of Usable Land.}$

For purposes of this section, the average fair market value shall
be based upon the average market value of residential land
according to the Adams County Assessor's Office. The
symbol n in the above formula represents a monetary amount

that will be assessed per square foot and will be set by city council via resolution. If the developer objects to the fair market value determination, the developer may request the city to obtain an appraisal of the property by a qualified real estate developer mutually agreed upon by the city and the developer, which appraisal will be considered by the city in determining the fair market value. All costs required to obtain such appraisal shall be borne by the developer and the parties shall be bound by the results of such appraisal.

The square feet of usable land for the formula above shall be all land involving residential use (including all land involving mixed-use development that includes permitted residential use) in the subdivision excluding floodplains, public right-of-way, dedications, public school sites, public library sites, police station sites, fire station sites, private parks and recreation facilities, and drainage detention areas. Private streets and oil and gas sites are considered usable land.

SECTION 2. Nothing in this ordinance affects, or shall be construed to affect, any fee or land dedication previously imposed, payable, or required under any existing agreement or development approval.

SECTION 3. Invalidity of a section or any part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

SECTION 4. Except as specifically modified herein, the provisions of the Land Development Code shall remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 19TH DAY OF SEPTEMBER, 2016.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 17TH DAY OF OCTOBER, 2016.

CITY OF COMMERCE CITY,
COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk