

ORDINANCE  
NO. 27  
SERIES OF 2024

COUNCIL BILL NO. 20  
INTRODUCED BY COUNCIL  
MEMBER NUNNENKAMP

**AN ORDINANCE AMENDING ENGLEWOOD MUNICIPAL  
CODE TO CREATE TITLE 4 CHAPTER 9 CONCERNING  
DEVELOPMENT IMPACT FEES**

**WHEREAS**, development impact fees are a one-time payment imposed on developments that must be used solely to fund growth-related capital projects affected by the increased demand on City facilities and services; and

**WHEREAS**, C.R.S. § 29-20-104.5 authorizes the collecting of development impact fees for new capital facilities needed to serve new development; and

**WHEREAS**, C.R.S. § 29-20-104.5 provides that development impact fees must be legislatively adopted generally applicable to a broad class of property and no greater than necessary to defray impacts on capital facilities caused by development; and

**WHEREAS**, the City commissioned TischlerBise to conduct a comprehensive study of development impact fees and to determine the appropriate fees needed to fund capital expenditures within the City; and

**WHEREAS**, TischlerBise issued an Impact Fee Study report dated October 10, 2023, which set forth reasonable methodologies and analyses for determining the amount of the development impact fees that should be imposed (hereafter “the TischlerBise study”, which is incorporated by reference as if fully set forth herein); and

**WHEREAS**, the TischlerBise study identified the need to increase the development impact fees that the City currently charges; and

**WHEREAS**, proposed and projected development within the City necessitates increased capacity for the City’s Police, Parks and Recreation, and other public services; and

**WHEREAS**, there is both a rational nexus and rough proportionality between development impact fees established by this Ordinance and the impacts created by new development within the City, as established by the TischlerBise study and as presented to City Council on November 6, 2023, December 11, 2023, January 8, 2024, and April 22, 2024, the materials and video presentations from which are incorporated by reference; and

**WHEREAS**, it is in the best interests of the City to establish the amount of development impact fees on new developments and redevelopment of existing development for the expansion of public services, to ensure that new development and redevelopment bears the cost of required service expansion attributable to it.

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

**Section 1. Declaration of policy.** It is hereby declared to be the policy of the City of Englewood that development impact fees shall be required wherever new development or redevelopment causes a need for the capital expansion of public services. It is the purpose of this Ordinance to require the payment of development impact fees whenever new developments are constructed or existing developments are converted to a more intensive use, to compensate the City for services necessitated by the development. Municipal Code provisions created herein shall be interpreted and applied pursuant to this declaration of policy.

**Section 2. Amendment of Title 4.** Title 4, Chapter 9, Section 1 to the Englewood Municipal Code is hereby created to read as follows (new provisions underlined):

**CHAPTER 9 – DEVELOPMENT IMPACT FEES**

**4-9-1 Development Impact Fees.**

**A. No building permit shall be issued for a Single Family, Multi-Family, Industrial, Commercial, or Office/Services Development or Redevelopment for new construction, additions to an existing non-residential Development, an increased number of Dwelling Unit(s), or Change of Use from one development type to another prior to payment of the following development impact fees to fund capital improvements identified in the City's capital improvement plan:**

1. Police services;
2. Parks and recreation services; and
3. Multimodal transportation improvements.

**B. Regulations.**

1. No certificate of occupancy shall be issued until all development impact fees are paid.
2. No credit or refund shall be given for paid development impact fees.
3. City Council shall establish the amount of development impact fees to ensure a rational nexus and rough proportionality between the fee and the development type's impacts, except the City Manager's designee may waive or reduce fees for affordable housing projects.

**C. Definitions.**

1. **Commercial:** Establishments primarily selling merchandise, eating/drinking places, and entertainment uses, including shopping centers, supermarkets, pharmacies, restaurants, bars, nightclubs, automobile dealerships, movie theaters, and hotels.
2. **Industrial:** Establishments primarily engaged in the production, transportation, or storage of goods, including manufacturing plants, distribution warehouses, trucking companies, utility substations, power generation facilities, and telecommunications buildings.
3. **Multi-Family:** A structure or Development containing two or more Dwelling Units, including duplexes, apartments.
4. **Office/Services:** Establishments providing management, administrative, professional, or business services, including banks, business offices, medical offices, and veterinarian clinics.
5. **Single-Family:** A single Dwelling Unit either detached from any other Dwelling Unit with open space on all sides, or attached to another Dwelling Unit(s) with one or more dividing or common walls extending from ground to roof separating it from adjoining structures, including a townhouse, row house.
6. Other terms shall have the same meaning as defined elsewhere in this Code, including in Title 16 Unified Development Code.

#### D. Administration.

1. The entire City may be considered to be a single service area for purposes of calculating, collecting, and expenditure of development impact fees.
2. Development impact fees shall be used only to expand, improve, or construct capital improvements, facilities, or equipment with an expected service life of five (5) years or longer. Such fees shall not fund routine maintenance or replacement of existing equipment or facilities, or personnel.
3. The City shall maintain a development impact fee account for each category of fee imposed, to separately track funds into and out of each account.
4. The City Manager's designee may adopt regulations to interpret or implement this section.

### **Section 3. Fee Amount Established**

The development impact fees created by this Ordinance shall be included in the City of Englewood Comprehensive Schedule of Fees and Rates and shall initially be set as follows:

<b>Residential Development</b>	<b>Fees per Unit</b>			
Development Type	Parks and	Police	Multimodal	Total

	Recreation		Transportation	
Single Family	\$777	\$31.88	\$1317.40	\$2126.28
Multi-Family	\$490.70	\$20.12	\$634.20	\$1145.02

Nonresidential Development	Fees per 1,000 Square Feet			
Development Type	Parks	Police	Multimodal Transportation	Total
Industrial	\$0	\$9.11	\$562.10	\$571.21
Commercial	\$0	\$46.76	\$2891	\$2937.76
Office/Services	\$0	\$20.92	\$1283.80	\$1304.72

City Council may revise these initial fees by any official action, including by motion, resolution, or ordinance.

#### **Section 4. General Provisions**

The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

**A. Severability.** If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

**B. Inconsistent Ordinances.** All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**C. Effect of repeal or modification.** The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

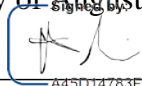
**D. Safety Clauses.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be by reference or in full in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method. Manuals, Municipal Code, contracts, and other documents approved by reference in any Council Bill may be published by reference or in full on the City's official website; such documents shall be available at the City Clerk's office and in the City Council meeting agenda packet when the legislation was adopted.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.

Introduced and passed on first reading on the 17<sup>th</sup> day of June, 2024; and on second reading, in identical form to the first reading, on the 5<sup>th</sup> day of August, 2024.

  
A45D14783E7C4C7...  
Othoniel Sierra, Mayor

ATTEST:

DocuSigned by:  
  
FCD655B9B2344B0...  
Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of an Ordinance, introduced and passed in identical form on first and second reading on the dates indicated above; and published two days after each passage on the City's official website for at least thirty (30) days thereafter. The Ordinance shall become effective thirty (30) days after first publication on the City's official website.

DocuSigned by:  
  
FCD655B9B2344B0...  
Stephanie Carlile