

ORDINANCE NO. 2022-09

AN ORDINANCE AMENDING CHAPTER 17.47 OF THE FRUITA LAND USE CODE CONCERNING THE TIMING OF PAYMENT OF IMPACT FEES AND AMENDING THE DRAINAGE IMPACT FEE BASE VALUE.

WHEREAS, Title 17.47 of the City of Fruita (the “City”) Municipal Code (the “Code”) sets forth the purposes and applicability of Public Dedications and Impact Fees;

WHEREAS, the Land Use Code has been established for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the community;

WHEREAS, City staff has proposed amendments to the Land Use Code for consideration; and

WHEREAS, the Planning Commission reviewed the amendments contained here in on January 11, 2022 and formalized their recommendation regarding those amendments with a vote of 6 to 0 of those members present recommending approval of the proposed amendments; and

WHEREAS, this Ordinance was introduced at first reading on January 18, 2022 pursuant to Section 2.13(B) of the City Charter; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO, THAT:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

Section 2. Amendments to Chapter 17.47.025. Chapter 17.47.025 is hereby amended to read as follows:

A. Notwithstanding any provision contained in this Chapter to the contrary, any vacant building lot within the city created prior to January 1, 1980, shall be subject to the impact fees/land dedications set forth in this Chapter. Fees for such lots shall be calculated based on the impact fees in effect and payable at the time of Planning Clearance approval.

B. Impact fees assessed for developments approved after the effective date of this Chapter shall be calculated based on the impact fees in effect and payable at the time of Planning Clearance approval.

C. Impact fees for multi-family dwellings and non-residential subdivisions may be paid at the time of issuance or approval of a Certificate of Occupancy.

D. Required land dedications cannot be deferred until the time of Planning Clearance approval and must be provided with the plat.

Section 3. Amendments to Chapter 17.47.150 (B). Chapter 17.47.150 (B) Base value calculation paragraph is hereby amended to read as follows:

Drainage impact fee (\$) = B x (C100d- C100h) x A0.7 where:

B = Base Value = \$18,815.00, as of January 1, 2022, to be adjusted annually for inflation based on the Consumer Price Index, All Items, All Urban Consumers, Western Region, size B/C, published on a monthly basis by the United States Department of Labor (Bureau of Labor Statistics) (ACPI-U).

Section 4. Codification of Amendments. The codifier of the City's Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Code. The City Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 5. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 2.13(G) of the Fruita Home Rule Charter.

Section 7. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, 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.

Section 8. Publication. The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F) of the Code.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS
15TH DAY OF FEBRUARY 2022.**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk

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City Clerk's Note:

Clarified intent of ordinance and modifications made to introductory language under Section 3 of ordinance to note that only the Base Value Paragraph is amended. Remaining portion of Paragraph B remains as existing for codification purposes.