

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2024

COUNCIL BILL NO. CB 24-0541
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance amending certain provisions in Article III of Chapter 50 of the Denver Revised Municipal Code regarding development impact fees.

WHEREAS, The City Council of the City and County of Denver ("City Council") previously adopted Ordinance No. 842, Series of 2000, as subsequently amended by Ordinance No. 988, Series of 2003, by Ordinance No. 775, Series of 2007, and by Ordinance No. 39, Series of 2020 (collectively, the "Creation Ordinance"), thereby establishing development impact fees for public facilities in the Gateway area and determining the amount of such development impact fees; and

WHEREAS, certain amendments are required to the Creation Ordinance to clarify the City and County of Denver's use of such development impact revenue once imposed and collected in accordance with Article III of Chapter 50 of the Denver Revised Municipal Code.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Section 50-51(3), Article III of Chapter 50 of the Denver Revised Municipal Code shall be amended by deleting the struck-through language and adding the language underlined as follows:

(3) *Capital improvements program* means the schedule filed in city clerk file no. ~~00-910 on October 12, 2000~~ 20000910Y on March 5, 2024, and which contains a list of capital improvements to be undertaken, their estimated cost of construction, and the subarea maps delineating the development subareas, as such capital improvements program may be amended from time to time by the manager of transportation and infrastructure or by the manager's designee; any subsequent amendments to the capital improvements program shall be filed with the city clerk and be effective upon approval by city council. Said capital improvements program shall restate and replace in its entirety that previous capital improvements program filed in city clerk file no. 20000910 on October 12, 2000.

1 **Section 2.** That the following subsection be incorporated into Section 50-59(b), Article III of
2 Chapter 50 of the Denver Revised Municipal Code, which shall be amended by adding the language
3 underlined as follows:

4 (4) Such other governmental or quasi-governmental entity or enterprise may impose and
5 collect its own fee, rate, toll, or charge that is equivalent to the impact fee, which may be then remitted
6 to the city as a credit against the impact fee in accordance with the terms of a duly-executed
7 intergovernmental agreement with the city. If such fee, rate, toll or charge revenue is remitted to the
8 city in accordance with such intergovernmental agreement then, unless otherwise restricted by the
9 terms of such intergovernmental agreement, the city may utilize such fee, rate, toll or charge revenue
10 on any category of any applicable capital improvements described in the capital improvements
11 program.

12 **Section 3.** That the following subsections be incorporated into Section 50-60, Article III of
13 Chapter 50 of the Denver Revised Municipal Code, which shall be amended by adding the language
14 underlined as follows:

15 (i) Once a category of capital improvements described in the capital improvements
16 program has been fully constructed and installed, the city shall continue to impose and collect the
17 impact fee for those categories of capital improvements in accordance with the capital improvements
18 program and may use the proceeds thereof on any other as-yet-uncompleted categories of capital
19 improvements described in the capital improvements program and in accordance with section 50-
20 60(j). The requirements described in this section 50-60(i) shall also apply to any governmental or
21 quasi-governmental entities or enterprises located within the gateway area to the extent that such
22 governmental or quasi-governmental entity or enterprise is collecting impact fees, or imposing and
23 collecting its own equivalent fees, on behalf of the city pursuant to an applicable intergovernmental
24 agreement.

25 (j) Any impact fees that are received after all of the capital improvements described in the
26 capital improvements program are fully constructed and installed may be utilized to either: 1)
27 reimburse the city for any funds previously-expended by the city for the construction and installation
28 of capital improvements described in the capital improvements program for which no credits are
29 owed against impact fees in accordance with section 50-59, 2) to fund any credits owed against
30 impact fees in accordance with section 50-59, or 3) as otherwise allowed in accordance with

1 applicable law. Any reimbursement to the city described in subsection (1) above shall be deposited
2 in the Capital Improvements and Capital Maintenance Fund described in section 20-18, or any such
3 successor Denver Revised Municipal Code provision.

4 **Section 4.** Except as expressly amended herein, the Creation Ordinance shall remain in
5 full force and effect.

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2 COMMITTEE APPROVAL DATE: April 23, 2024
3 MAYOR-COUNCIL DATE: April 30, 2024
4 PASSED BY THE COUNCIL: _____, 2024
5 _____ - PRESIDENT
6 APPROVED: _____ - MAYOR _____, 2024
7 ATTEST: _____ - CLERK AND RECORDER,
8 EX-OFFICIO CLERK OF THE
9 CITY AND COUNTY OF DENVER
10 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2024; _____, 2024
11
12 PREPARED BY: Bradley T. Neiman, Assistant City Attorney DATE: May 2, 2024
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14 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
15 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
16 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
17 3.2.6 of the Charter.
18 Kerry Tipper, City Attorney for the City and County of Denver
19 BY: _____, Assistant City Attorney DATE: _____, 2024